

REFERENCE: P/16/497/FUL

APPLICANT: Ward Jones (Bridgend) Ltd c/o John Matthews Planning & Dev., 47 Anglesey Way, Porthcawl, CF36 3QP

LOCATION: Land at Moor Lane Nottage Porthcawl CF36 3EJ

PROPOSAL: Change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation & supporting facilities

RECEIVED: 22 June 2016

SITE INSPECTED: 15 July 2016

APPLICATION/SITE DESCRIPTION

The application proposes the change of use of a roughly rectangular area of land on the northern side of Moor Lane for the provision of high quality self-catering mobile wooden chalets tourist accommodation and supporting facilities.



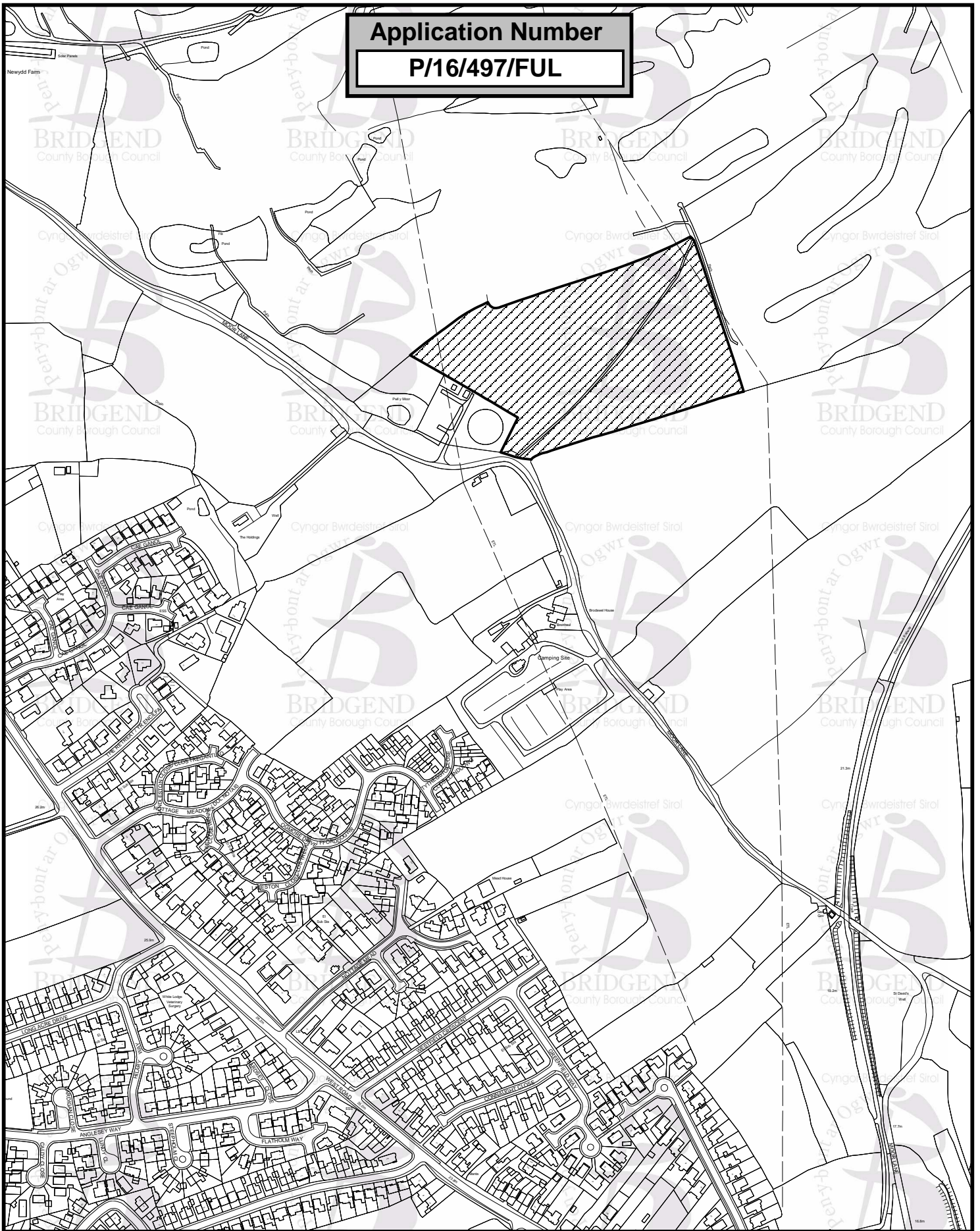
Aerial Photograph of the Site and Surroundings

The site abuts the north eastern and eastern boundaries of the former Gas Holder compound, which adjoins the Moor Lane Pond Site of Importance for Nature Conservation (SINC). The site extends to approximately 3.8 hectares which is currently rough grassland, with mature hedges enclosing the southern, eastern and northern site boundaries. Footpath 12 runs diagonally from a point in the south eastern corner of the site, adjacent to the access point onto Moor Lane, to the north eastern corner before continuing in a north easterly direction until it meets the A4229. The Grove Golf Course adjoins the northern and eastern boundaries of the site with agricultural land lying to the south. The land appears to be reasonably flat in level.

The originally submitted plan showed an indicative layout with areas for the proposed chalets generally arranged around the perimeter of the site with an internal access road system also running roughly parallel to the application site boundaries in a rectangular shape. The

Application Number

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Scale 1:5,000

**Date Issued:
05/04/2017**

**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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central area of the site would be dedicated for an open space/children's play area and a reception block, convenience shop and cycle hire with parking and servicing area. Access from Moor Lane leading into the site is located to the south east of the former Gas Holder Site.

Clarification of the nature of the application was sought from the applicant's agent as the submission appeared to be seeking to establish the principle of the development without providing details of the layout, chalets or reception buildings. There was a concern that, in the absence of a more definitive layout, it was not possible to fully assess whether the proposed development could be satisfactorily accommodated within the site.

Subsequently, the applicant's agent submitted a slightly more detailed layout drawing, which generally reflects the original plan but shows individual pitches for the chalets and the reception block and associated ancillary facilities. The layout makes provision for the diversion of Footpath 12 in a corridor running along the southern and eastern site boundaries together with an additional landscape/ecology belt a minimum of 5m wide surrounding virtually the entire perimeter of the site. The plots vary in dimension to accommodate chalets, which will also vary in size. The smaller plots appear to measure approximately 15m by 15m with the larger plots adjacent to the former Gas Holder measuring approximately 25m by 25m.

The chalets will range in size from a one bedroom unit measuring 3.6m by 8.5m to a four bedroom unit measuring 7m by 14m. The plots will also accommodate adequate parking facilities dependent on the chalet size. The reception/service block, which will also be of a log cabin type construction, will measure approximately 25m by 7.5m. Although the documentation does not confirm the scale of the units, it is assumed that all of the buildings will be single storey.



Proposed Site Layout Plan

It is highlighted that the application has been accompanied by a Planning/Design and Access Statement, Preliminary Ecological Appraisal and a Transport Statement. These have been supplemented during the processing of the submission by a Mitigation Method Statement in respect of Great Crested Newts, indicative sketch plans of the proposed Service Centre Block, a supplementary statement regarding the proposed development's potential to generate local employment opportunities and economic benefits and a Draft Framework Traffic Management Plan.

RELEVANT HISTORY

6782/350/2280/71 - Light industrial purposes & Council Yard - Approved with conds July, 1972

75/400 - Industrial Estate - Deemed Consent - October, 1975

75/1301 - Transport Depot - Deemed Consent - January, 1976

99/628 - 2 Light Industrial Units - Approved with conds - 14/03/00

P/01/221/OUT - 10 residential units - Ref - 15/05/01 (Dismissed on Appeal 11/12/01)

P/02/186/FUL - Warehouse with integral office - Approved with conds - September, 2002

P/07/896/FUL - Healthcare complex - Ref - 21/12/07

P/07/897/FUL - Office/Commercial Dev't (5 offices & 8 commercial units) - Ref- 21/12/07

P/08/116 - B2/B8 Unit with access road - Ref - 13/03/09

ENF/154/09/C - Enforcement Notice relating to the unauthorised use of the land for storage of steel containers - 04/06/10 (Appeal Dismissed & Notice Upheld with variation 10/05/11)

P/12/450/FUL - Fencing & entrance gates to site boundary & diversion of Footpath 12 - Approved with conds - 19/10/12

P/13/573/FUL - Landscape Business (turf, soil & stone sorting & distribution) with 2 agricultural type sheds - Ref - 22/10/13

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 22 July 2016

CONSULTATION RESPONSES

Councillor N. Clarke - A Full Committee Site Inspection is requested to enable Members to fully appreciate the impact that this proposed development would have on the road/country lane systems in the area and to understand the access and egress points of Moor Lane from the A4429 and into Nottage Village and also from West Road (Parc Newydd Farm).

Porthcawl Town Council - Welcome the increase in holiday accommodation in Porthcawl but object on the following grounds:-

- Detrimental to highway use, significant increase/impact on highways will affect Nottage Walk, walkers, cyclists and horses accessing the area.
- Access is on a sharp bend.
- The number of chalets proposed is excessive and would ask that the number is reduced.
- Development should not become residential.

In further comments received the objection is maintained on the grounds of:-

- Public safety and access and egress.
- Safety of Footpath 12 - Members request that fencing needs to be included on the route itself and pedestrian friendly signs and lighting need to be installed to ensure the footpath's accessibility to all using it.

Welsh Water Developer Services - No objections.

Rights of Way Team - The application acknowledges that Footpath 12 crosses the site and will require to be diverted. It is noted that planning permission was granted in 2012 for fencing and entrance gates but this did not formally divert the footpath. It is considered that appropriate provision to accommodate the diverted footpath should be made and the developer reminded that a new application to formally divert the route submitted. In addition, should there need to be a temporary stopping up of the public rights of way to facilitate the construction phase of the development, then a Temporary Order may be required.

Head of Street Scene (Highways) - No objection subject to conditions.

Head of Street Scene (Drainage): No objection subject to conditions.

Natural Resources Wales: There are significant concerns in respect of the proposed development with regard to foul drainage and European Protected Species.

Group Manager Public Protection: No objections

Wales & West Utilities: Provided an extract of records showing their apparatus

Tourism - Economy and Natural Resources support the provision of high quality self-catering tourist accommodation as outlined.

REPRESENTATIONS RECEIVED

Porthcawl Civic Trust Ltd (Caroline Vaughan) - Strongly objects to the application on the grounds that Moor Lane is predominantly a single track with passing places without a pavement used by cars, caravans, walkers, cyclists and horse riders. The application will lead to increased vehicular activity at unrestricted speeds and will therefore compromise the safety of walkers and cyclists. The site is in a remote location not accessible by a range of different transport modes thus relying on the use of private motor vehicles. There is concern regarding HGVs accessing the site given that the Grade II Listed Cuckoo Bridge lies on the eastern approach and any requirement to access the site from West Road could not be enforced. There is concern that the Bridge will sustain damage as well as road signage and hedgerows.

Five respondents living in four local properties have raised objections to the proposed development. The grounds of objection can be summarised as follows:-

1. The application site lies outside the settlement boundary for Porthcawl and the area is predominantly rural in character and appearance.
2. Too many cabins are being proposed.
3. Moor Lane is unsuitable to serve the development being narrow, tortuous, lacking footways and passing places. Moor Lane is regularly used by walkers, cyclists and horse riders and a development of this scale would be detrimental to highway safety.
4. Moor Lane is listed as part of an historic network of country lanes and the scale of the proposed development would create a devastating impact with the increased volume of traffic it will generate.
5. Potential detrimental impact on Listed Cuckoo Bridge to the south east of the application site particularly during the construction phase.
6. The large number of cabins of unspecified design will be highly visible and detrimental to the visual amenities of the area, which is rural in nature.
7. The proposed development is likely to have an adverse impact on Great Crested Newts and the Shril Carder Bee, which are known to be present either on or immediately adjacent to the site.
8. The application site lacks transport linkages resulting in future occupiers of the cabins reliant on private vehicles.
9. Access Point to the site is located on a severe bend, lacking adequate vision.
10. There is a long planning history to the site including two appeal decisions refusing development proposals on the land.
11. There is a concern that there is a lack of information regarding the proposed cabins in terms of whether they will be rented or sold and therefore how will occupation be controlled.
12. There will be significant disruption during the construction phase with adverse impact on the tranquillity of existing properties.
13. Standby Electricity Generating Facility adjacent to the site has not been considered.
14. Submission lacks details of water and sewerage connections.
15. Noise and light pollution created by the development.
16. Lack of publicity for application.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by local residents:-

Outside Settlement - Consideration of the appropriateness of the development given its countryside location will be addressed in the Appraisal Section of the report.

Number of Cabins - The site layout now illustrates that the site is capable of accommodating the number of pitches proposed whilst providing adequate communal facilities, circulation space and parking.

Access - The Highways Department has considered the submitted traffic survey data and Trics data included within the Transport Statement and have been able to calculate the estimated trips emanating from the existing Brodawl Caravan Site and estimated trips for

vehicles using Moor Lane as part of a wider journey. Using an occupancy rate for the Brodawel facility of 85%, which is considered to represent the peak summer period, together with the traffic estimate for Moor Lane and the Trics data for the proposed chalet development, the Highways Authority consider that the total estimated worst case scenario of vehicle movements on Moor Lane is below the Quiet Lane threshold of approximately 1000 vehicle movements per day. Guidance on the acceptability of the mix of vehicular and pedestrian traffic in such a highway environment is provided in the Department of Transport Circular 2/206 relating to Quiet Lanes and Home Zones. The broad concept of the circular has been used as guidance in this instance. The circular indicates that provided vehicular flows are not excessive in volume or speed, such environments can be considered suitable for shared use by vehicles, pedestrians, cyclists and equestrians.

Historic Lane Network & Nottage Walk - The Highways Department has recommended conditions be attached to any consent that the Authority is minded to grant to provide traffic signs warning of the presence of pedestrians along Moor Lane. In addition, a scheme for the provision of refuges along Moor Lane for vulnerable users and tourist direction signs for future guests will assist in safeguarding pedestrians, cyclists and horse riders using the route. In order to facilitate a safer walking route to get to local shops and services in South Cornelly, a condition requiring a scheme for the installation of an uncontrolled crossing from the termination of the public footpath (north west of Grove Golf Club to the opposite side of the road has been recommended.

Listed Cuckoo Bridge - A condition requiring a construction management method statement to include the routing of construction traffic will enable the narrow listed structure to be avoided thereby overcoming potential damage.

Visual Impact - The indicative layout shows that the pitches for the proposed chalets are set back from Moor Lane so that the site will not be highly visible from the public highway. Whilst it is acknowledged that it is proposed to divert Footpath 12 to run along the perimeter of the site thereby allowing views into the development, it is considered that appropriately worded conditions to secure fencing and the retention of the 5m wide landscape/ecology belt, proposed to surround the site, will partially screen the development and reduce its visual impact.

Impact on European Protected Species - The application has been accompanied by a Preliminary Ecological Assessment, which has assumed that Great Crested Newts are present on the site. It is acknowledged that the newts are an European Protected Species and therefore appropriate mitigation will be required during the site clearance works and a derogation licence sought from Natural Resources Wales (NRW). Following concerns expressed by NRW in respect of potential impacts on the Great Crested Newts, a supplementary Mitigation Method Statement was submitted. Informally, it has been indicated that, subject to the imposition of conditions requiring the implementation of the measures identified to avoid/minimise the impact, this would be sufficient for planning purposes but further surveys may be necessary as part of the licence application.

Transport Linkages - It is considered that an appropriately worded condition to secure the provision of on-site facilities to serve future guest will assist in minimising the number of journeys to and from the site.

Access - The Highways Department consider that subject to a condition requiring the means of access to be a minimum width of 5.5m, together with the provision of adequate vision splays at its junction with Moor Lane, the proposed arrangements are acceptable.

Planning History - Further clarification of the reasons for refusal and the appeal decisions will be provided in the following Appraisal Section of the report.

Control Over Usage - It is considered that appropriately worded conditions to limit the use of the cabins to tourist accommodation only to be occupied for limited periods in any calendar year can prevent any permanent residential use of the chalets.

Disruption during construction phase - Whilst it is acknowledged that disruption during the construction phase of the development is inevitable the suggested condition requiring a construction management method statement should assist in minimising adverse impacts as far as possible during this temporary phase.

Standby Electricity Generating Facility - This facility has recently been approved on the former Gas Holder Site, which abuts this application site and objectors consider that the applicant has failed to consider the impact this will have on their proposals. The Public Protection Department has confirmed that, as a tourism development, statutory noise nuisance could not be applied to future occupiers of the adjoining units. This aspect would therefore be a matter for the future site operator to manage.

Water & Sewerage Connection - Appropriately worded conditions can secure satisfactory provision of these utilities.

Noise & Light Pollution - Given its reasonably isolated location with the nearest residential property located over 150m to the south of the access point onto Moor Lane, it is considered that the proposed development will not significantly impact on the residential amenities of existing properties in this area. An appropriately worded condition can ensure that any internal lighting scheme will be designed to minimise its impact on the surrounding area and biodiversity.

Lack of Publicity - As indicated in the description of development, the application site lies in a countryside location but four of the closest residential properties have been individually notified of the receipt of the submission and invited to comment thereon. In addition because of the impact on Footpath 12, the application has been advertised on site and in the local press. The Local Planning Authority considers that the requirements of the Town and Country Planning (Development Management Procedure) Order have been fulfilled in terms of publicity.

APPRAISAL

The application is referred to Committee to consider the objections raised by local residents and at the request of the Ward Member, who considers that Members should visit the site to fully appreciate the impact on the existing highway network.

In terms of planning policy the following are considered relevant:-

National Policy

Planning Policy Wales (Paragraph 4.6.4) states that "The Countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against economic, social and recreational needs of local communities and visitors."

In addition, paragraph 11.3.1 states that, "In determining planning applications for tourism developments, local planning authorities need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management."

Local Policy

The site is located outside of any settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan and is, therefore, located in the countryside where Policy ENV1 ensures that development is strictly controlled. ENV1 states that development may be acceptable where it is necessary for:-

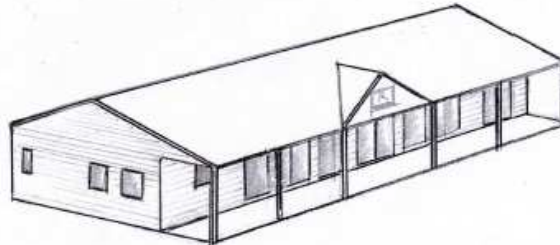
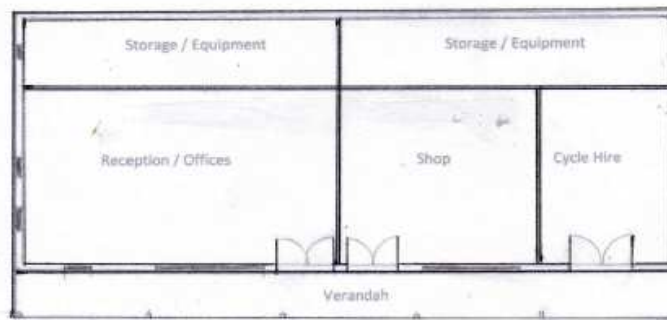
1. Agriculture and/or forestry purposes;
2. The winning and working of minerals;
3. Appropriate rural enterprises where a countryside location is necessary for the development;
4. The implementation of an appropriate rural enterprise/farm diversification project;
5. Land reclamation purposes;
6. Transportation and/or utilities infrastructure;
7. The suitable conversion of, and limited extensions to, existing structurally sound rural buildings, where the development is modest in scale and clearly sub-ordinate to the original structure;
8. The direct replacement of an existing dwelling;
9. Outdoor recreational and sporting activities; or
10. The provision of gypsy traveller accommodation.

Where development is acceptable in principle, it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

Having regard to national policy and the criteria set out above, the proposed scheme would be considered as an appropriate rural enterprise in accord with criterion 3 of Policy ENV1 and thereby addresses the concerns raised by objectors in relation to the rural location.

Policy SP11 of the LDP states that tourism development will be promoted at the strategically important resort of Porthcawl. Whilst the site is located approximately 300m outside the settlement boundary of Porthcawl, the town centre is located approximately 1.3 miles away providing adequate services and facilities for holiday makers.

Policy REG12 of the LDP states that new tourist facilities in the countryside will only be permitted where the activity is compatible with and complimentary to the countryside. The development is part of a rural enterprise scheme and the proposal is considered acceptable in principle.



Indicative Plans for the Service Centre Block

In addition, the applicant will need to satisfy the criteria set out in Policy SP2, which seek to ensure that all development contributes to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. In this regard criteria 1,2,3,4,6,8,9, 10, 12 & 13 are considered to be relevant to this development. Given, however, that the submission is effectively seeking to establish the principle of the development at this time and does not include details of the chalets, reception and communal facilities, it is not possible to assess the scheme's compatibility with criteria 2 (design quality) and 3 (scale) at this time. Conditions requiring future agreement of the design of the chalets together with their scale, prior to their installation, will ensure that the design and appearance reflects the rural location and does not adversely affect the visual amenities of the area. In terms of density, it is considered that the proposed site layout demonstrates that the site is capable of accommodating the number of chalets proposed together with circulation space, parking and amenities.

Criterion 6 requires development proposals to have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. The application has been supported by a Transport Statement which refers to an extant use of the site for light industry but notes that these uses are not operational and therefore acknowledges that no trip generation comparison can be made. The Transport Statement gives a likely traffic generation for the proposed development of 99 daily vehicular trips (or 140 per day on weekends.) The Statement includes actual traffic data from surveys carried out between 19 March 2016 and 3 April 2016 of vehicle movements along Moor Lane. Clarification of whether the data included journeys made by occupants of the Brodawel Caravan Park was sought and it has been confirmed that the survey spanned a period when the Brodawel site was both closed and open over the Easter School Holidays.

The Transport Statement makes reference to the nature of Moor Lane serving the site and the fact that it already accommodates traffic associated with both the Parc Newydd Farm Caravan Site to the north and the Brodawel Site to the south of the application site. In respect of the Parc Newydd Farm facilities, it is considered that these movements would not use the length of Moor Lane from the A4229 to the south as a more appropriate access presents itself almost directly onto West Road, Nottage. It is noted that the operators of the Parc Newydd Farm facility, via its website, directs its customers to access the site at this

point from the M4 via North Cornelly and Maudlam avoiding Moor Lane.

With regard to the Brodowel Caravan Site, it is acknowledged that the most appropriate route for access would be via the junction of Moor Lane with the A4229 to the south and there is existing tourism direction signage together with the operator's website recommending this route along Moor Lane. The operator of the Brodowel site operates an arrivals and departures regime in order to limit the instances of potential conflict of towed caravans or motor homes between the site and the A4229.

As indicated in the preceding section of the report providing comments on representations received, the Highways Department are satisfied that the total estimated worst case scenario of vehicle movements on Moor Lane will be below the accepted quiet lane threshold of approximately 1000 vehicle movements per day. On the basis of the guidance contained in the Department of Transport Circular relating to Quiet Lanes and Home Zones, it is accepted that Moor Lane would constitute a quiet lane and is therefore suitable for shared use by vehicles, pedestrians, cyclists and equestrians provided that the speed of vehicular flows is not excessive. In this regard, the submitted Transport Statement contained a speed survey, which concluded that the 85th percentile speed on Moor Lane was 34 mph. This falls below the quiet lane threshold of 35 mph referred to within the Circular and again confirms that Moor Lane would be suitable for the proposed mixed/shared use.

There is, however, a concern that, due to the physical nature of Moor Lane, any increase in pedestrians and cyclists, generated by the proposed development, would be at risk of facing a situation where it would be difficult to pass wider vehicles accessing the Brodowel Caravan Site. Accordingly, it is considered that a condition requiring a scheme to provide suitably spaced refuge areas in the grass verges along Moor Lane for the use of more vulnerable road users would be appropriate. Similarly, future occupants of the site may wish to utilise the local shops and services to the north of the site in the village of South Cornelly via the existing public rights of way. This suggestion is included within the Transport Statement as a potential mitigation measure to reduce vehicular movements from the proposed development. There is, however, no direct pedestrian route to the village as the footpath network terminates on the southern side of the A4229 although there is a footway on the northern side of the A4229. A condition requiring an uncontrolled crossing between these points has therefore been recommended.

For Members' clarification, planning permission was granted in March 2000 for 2 light industrial units, which was not implemented (99/628 refers). Thereafter, an application for 10 dwellings on the land was refused in March, 2001 (P/01/221/OUT) and dismissed on appeal. The Inspector considered that the principal case for that appeal was that the proposed development would be less harmful than the consequences of development of the site for industrial purposes permitted by the 1972 consent. It was recognised that the 1972 permission related only to the use of the land and therefore the erection of buildings, would require further approval. The Inspector concluded that, in weighing the proposal against an alternative form of development, it is necessary to assess the likelihood of the suggested alternative actually occurring. At that time given consent for 2 light industrial units, the Council accepted that the principle of B1 and B8 uses on the land had been established but in view of the substandard nature of Moor Lane providing access to the site, the Inspector's view was that this would act as a serious disincentive to most industrial uses.

Notwithstanding this decision, in 2002 a single warehouse unit was approved (P/02/186/FUL refers) but again this consent was not implemented. In the intervening period, applications for a healthcare complex, office/commercial development comprising 5 office units and 7 (B2/B8) business units were refused in 2007 and 2009 respectively. The reasons for refusal

in respect of these developments related to the unacceptability of the proposed healthcare use in the countryside but this was supplemented by the substandard nature of Moor Lane. In respect of the office/commercial development the reasons for refusal related to the scale and intensity of the proposed development being inappropriate to the countryside location and were again supplemented by highway safety concerns about the suitability of Moor Lane as the principal access. The most recent application in 2013 for the storage, sorting and distribution of turf, soil, stone and bark (included 2 agricultural type sheds) was refused in October 2013. This application included reasons for refusal relating to the scale of the proposed development combined with traffic generation associated with the business proposed.

In this case, however, it is considered that the tourism use now proposed is more acceptable in this rural location than light industry or a Council Yard and the Highways Department has accepted that Moor Lane can be considered suitable for shared use by vehicles, pedestrians, cyclists and equestrians and is appropriate to serve the proposed development.

Criterion 8 recommends that developments avoid or minimise noise, air, soil and water pollution. It is considered that the proposed tourist accommodation would not generate any of the above pollution types although it may be subjected to a degree of noise emanating from the development approved on the adjoining former Gas Holder site. It is noted that the extant consent has not yet been implemented and in any event the Public Protection Department has clarified that, in respect of tourist accommodation, there is no statutory noise nuisance protection for occupiers. This would therefore be a matter to be addressed by the future operator of the site.

Developments are also required to ensure that the site is free from contamination (including invasive species) and the Council's Ecologist has recommended a condition requiring an eradication protocol to address the presence of Japanese Knotweed in certain areas of the site. In terms of safeguarding biodiversity, the applicant has submitted a Preliminary Ecological Assessment, which has been supplemented by a Mitigation Method Statement in respect of Great Crested Newts, which it has been accepted are likely to be present on the site. Informally, Natural Resources Wales has indicated that, for planning purposes, a condition requiring implementation of all the measures identified in the Mitigation Method Statement would be acceptable but separately, a Derogation Licence would be required prior to any commencement of development. It is therefore considered that the submitted proposals have met the requirements of Criteria 9 & 10 attached to Policy SP2.

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 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 nature of the development and the proposed mitigation, compensation and enhancement measures, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. However, the applicant will have to secure an European Protected Species licence from Natural Resources Wales under Regulation 53 of the Habitats Regulations prior to the commencement of works. 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 (ENV4(2), ENV5 & ENV6).

Criterion 12 requires proposals to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. It is considered that, for the reasons outlined in the preceding section of the report, with the conditions proposed to control the operation as suggested by the Highways Department, the impact on existing residential properties will not be so significant as to warrant refusal of the scheme. The suggested conditions will also reduce, as far as practicable, the impact of recreational walkers, cyclists and horse riders. Similarly, appropriately worded conditions can ensure the provision of suitable arrangements for the disposal of foul sewage, waste and surface water so that the proposed development would be compliant with Criterion 13.

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.

During the processing of this application, Policies PLA1, ENV1, SP11, REG12, SP2, ENV4, ENV5, ENV6 & ENV7 of the Bridgend Local Development Plan were considered.

CONCLUSION

The application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on privacy nor so significantly harm highway safety, visual amenities or the amenities of neighbouring properties as to warrant refusal of the scheme.

RECOMMENDATION

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

1. The consent hereby approved shall be limited to the siting of 56 timber chalet accommodation units, which shall be mobile, not fixed to the ground and fall within the definition of a caravan under the Caravan Sites and Control of Development Act, 1960 (As Amended) with any individual unit not exceeding 20m in length, 6.8m in width and 3.05m in height together with ancillary reception/service block of the scale parameters indicated in the supplementary planning statement received on 9th March, 2017 with yard, open space and children's play area as shown on the site layout plan received on 21st September, 2016.

Reason: For the avoidance of doubt as to the extent of the development permitted and to protect the safety and free flow of traffic on the surrounding highway network

2. The timber chalet units shall be occupied for holiday purposes only and shall not be occupied as a person's or persons' place of residence. The holiday units can be used as holiday accommodation throughout the year but the units shall not be occupied by any person or persons for more than 28 days in any 12 month period.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation, which would be detrimental to the amenities of the area and contrary to Policies ENV1 and REG12 of the Bridgend Local Development Plan.

3. The proposed convenience shop within the reception block shall be completed and open to guests prior to the first occupation of the site and shall be open each day the site is open to guests.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic

4. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Method Statement shall be adhered to throughout the site clearance and construction period. The Statement shall provide for:

- I. the routing of HGV construction traffic to/from the site in order to avoid the village of Nottage;
- II. specify the type and number of vehicles used during construction;
- III. the parking of vehicles of site operatives and visitors;
- IV. loading and unloading of plant and materials;
- V. storage of plant and materials used in constructing the development;
- VI. details of how and where the assembly of the wooden chalets will take place and the programming of such works;

- VII. wheel washing facilities;
- VIII. measures to control the emission of dust and dirt during construction;
- IX. the provision of temporary traffic and pedestrian management along the agreed construction route.

Reason: In the interests of highway safety.

- 5. No development shall commence until a scheme for the provision of a direct pedestrian access to the adjacent public right of way on the eastern site boundary has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the approved development being brought into beneficial use and the access to the public right of way shall thereafter be maintained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

- 6. No development shall commence until a scheme for the provision of traffic signs warning of the presence of pedestrians along the Moor Lane to its termination at the A4229 and Pyle Road together with any necessary illumination has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the development being brought into beneficial use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

- 7. No development shall commence until a scheme for the provision of stepping off/refuge areas along Moor Lane from the site access to the A4229 and Pyle Road has been submitted to and agreed in writing by the Local Planning Authority. The stepping off/refuge areas shall thereafter be provided in accordance with the agreed scheme prior to the approved development being brought into beneficial use and shall thereafter be maintained in perpetuity..

Reason: In the interests of highway safety.

- 8. No development shall commence until a scheme for the provision of a pedestrian crossing refuge on the A4229 at the termination of the public footpath north-west of the Grove Golf Club has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include a Stage 2 Safety Audit and be implemented in accordance with the agreed details prior to the development being brought into beneficial use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

- 9. No development shall commence until a scheme for the provision of tourist direction signs directing guests to the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the approved development being brought into beneficial use.

Reason: In the interests of highway safety.

- 10. No development shall commence until a Traffic & Delivery Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. All

guest arrivals and departures and servicing and delivery vehicles movements to the site shall be made in accordance with the agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the provision of off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking areas 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 for parking purposes in perpetuity.

Reason: In the interests of highway safety.

12. The proposed means of access shall be no less than 5.5m wide laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 43m in both directions and surfaced in permanent materials for a distance of no less than 10m before the development is brought into beneficial use and shall thereafter be retained as such in perpetuity.

Reason: In the interests of highway safety.

13. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

14. Any entrance barrier/gates shall be set back not less than 12 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety.

15. No development shall take place until details of the siting and design of the wooden chalets within each of the plots and plans of the siting, design and layout the proposed Service Centre Block (to include a reception/office, a shop, a cycle hire facility and storage areas), including samples or detailed specifications of the materials to be used in the construction of the external surfaces of the chalets and buildings hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory and sympathetic form of development so as to enhance and protect the visual amenities of the area.

16. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

17. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The landscape management plan shall be carried out as agreed.

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

18. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

19. All site clearance works shall be undertaken in accordance with the methods and measures contained within the Mitigation Method Statement - Great Crested Newt prepared by Soltys Brewster Ecology (dated 28 October 2016).

Reason: To ensure no detriment to the maintenance of the population of the Great Crested Newts at a favourable conservation status in their natural range.

20. No site clearance shall take place until further information has been submitted to and agreed in writing by the Local Planning Authority in respect of:-

*Appropriate pollution prevention to Moor Lane Pond SINC;

*Bat sensitive light design;

*Method Statement for vegetation clearance in respect of birds, reptiles and amphibians;

*Eradication strategy for Japanese Knotweed.

The development shall thereafter be implemented in accordance with the agreed details.

Reason: In the interests of the protection of biodiversity and Moor Lane Pond SINC

21. Foul sewage discharges shall be connected to the public sewerage system and no development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how the foul sewage connection to the public sewerage system will be achieved and how road, roof and yard water will be dealt with, including future maintenance requirements has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

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

22. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. The application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on privacy nor so significantly harms highway safety, visual amenities or the amenities of neighbouring properties as to warrant refusal of the scheme.
- b. The site owner will require a Site Licence under the Caravan and Control of Development Act 1960.
- c. Permission will be required to divert Footpath 12 Porthcawl.
- d. No surface water is allowed to discharge to the public highway.
- e. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.
- f. In order to satisfy the drainage condition the following supplementary information will be required:-
 - i. Details of infiltration tests to confirm the acceptability of any proposed infiltration system;
 - ii. Design calculations, storm period and intensity, the method employed to delay and control the surface water discharge from the site;
 - iii. Details of measures to prevent any surface water discharge polluting any receiving groundwater and/or surface water system;
 - iv. Timetable for implementation;
 - v. Maintenance and management plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- g. The Traffic and Delivery Management Plan required to address Condition 10 will need to contain sufficient information in respect of the following:-
 - (i) Guest arrival and departure arrangements (directions to the site and timing of those movements);
 - (ii) Guest arrival and departures of the adjacent Brodawel Caravan Park;
 - (iii) Proposed Delivery Schedules;
 - (iv) Proposed Delivery Vehicle/Service Vehicles sizes;
 - (v) Supporting swept path diagrams; and
 - (vi) The need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers
None