

**REFERENCE:** P/17/513/BCB

**APPLICANT:** Bridgend County Borough Council c/o Julian Thomas, Level 3 Civic Offices, Angel Street, Bridgend, CF31 4WB

**LOCATION:** Site of Cafe Locks Common Road Porthcawl CF36 3HU

**PROPOSAL:** Demolition of Malc's Cafe & toilet block and construction of new cafe and watersports centre

**RECEIVED:** 14 June 2017

**SITE INSPECTED:** 29 June 2017

**EOT AGREED:** 18 August 2017

## APPLICATION/SITE DESCRIPTION

The application proposes the demolition of the existing cafe, toilet block and the removal of an existing storage container located to the south of the building and the erection of a new cafe and water sport centre at Malc's Cafe, Rest Bay, Porthcawl. The scheme will provide a centre for water sports for use by clubs, associations and private sector operators, with ground floor public toilets and changing room facilities and a new first floor cafe/bistro and function room space with a new covered dog walkers area. A number of small ancillary A1 (retail) units are also proposed.

The new water sports centre and cafe will be located on the existing site of the cafe and toilet block which lies at the western boundary of the proposed site on an elevated plateau overlooking Locks Common and Rest Bay.

The site occupies an open area adjacent to Rest Bay Car Park. Residential properties in Rest Bay Close and Curlew Close are to the south and the Locks Common Local Nature Reserve lies directly to the west. The site is located within the open countryside and within a Special Landscape Area. The Rest, a Grade II Listed Building, is located some 235m to the north of the site.

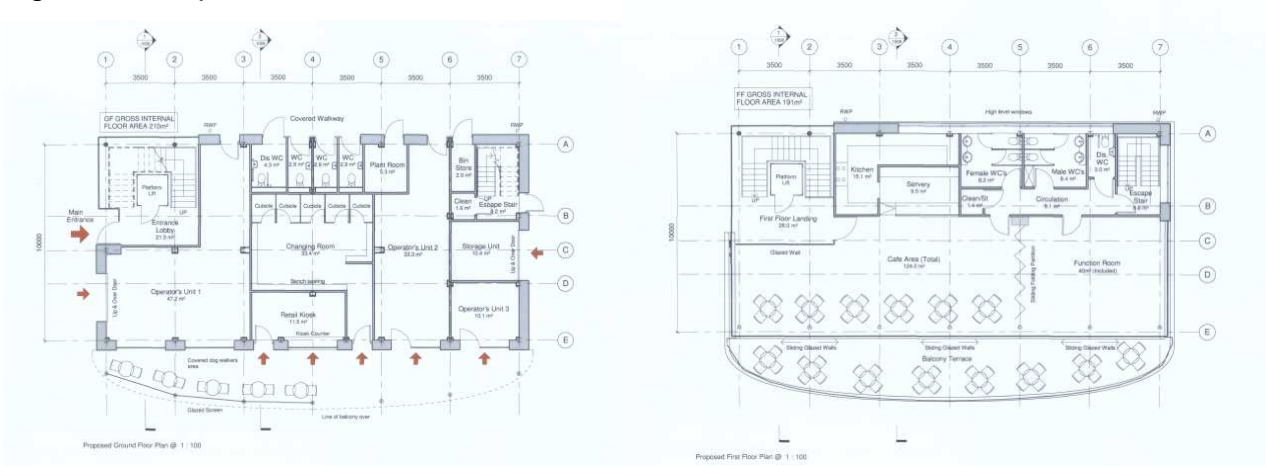
The proposed two storey building will measure approximately 22m x 11m, to a height of some 7.3m with a curved feature roof. The building will be constructed with a ground floor limestone faced plinth with large glazed windows and doors and timber clad with a zinc roof with solar panels located on the roof. The proposed footprint of the building will cover an area of approximately 480 sq m over 2 storeys and will comprise an entrance lobby, 3 operator units, 1 retail kiosk, storage unit, changing room and toilet facilities and a plant room and bin store on the ground floor with a cafe area, function room, kitchen, toilets and a front balcony terrace area at first floor level.

Figure 1 - Proposed Elevations:



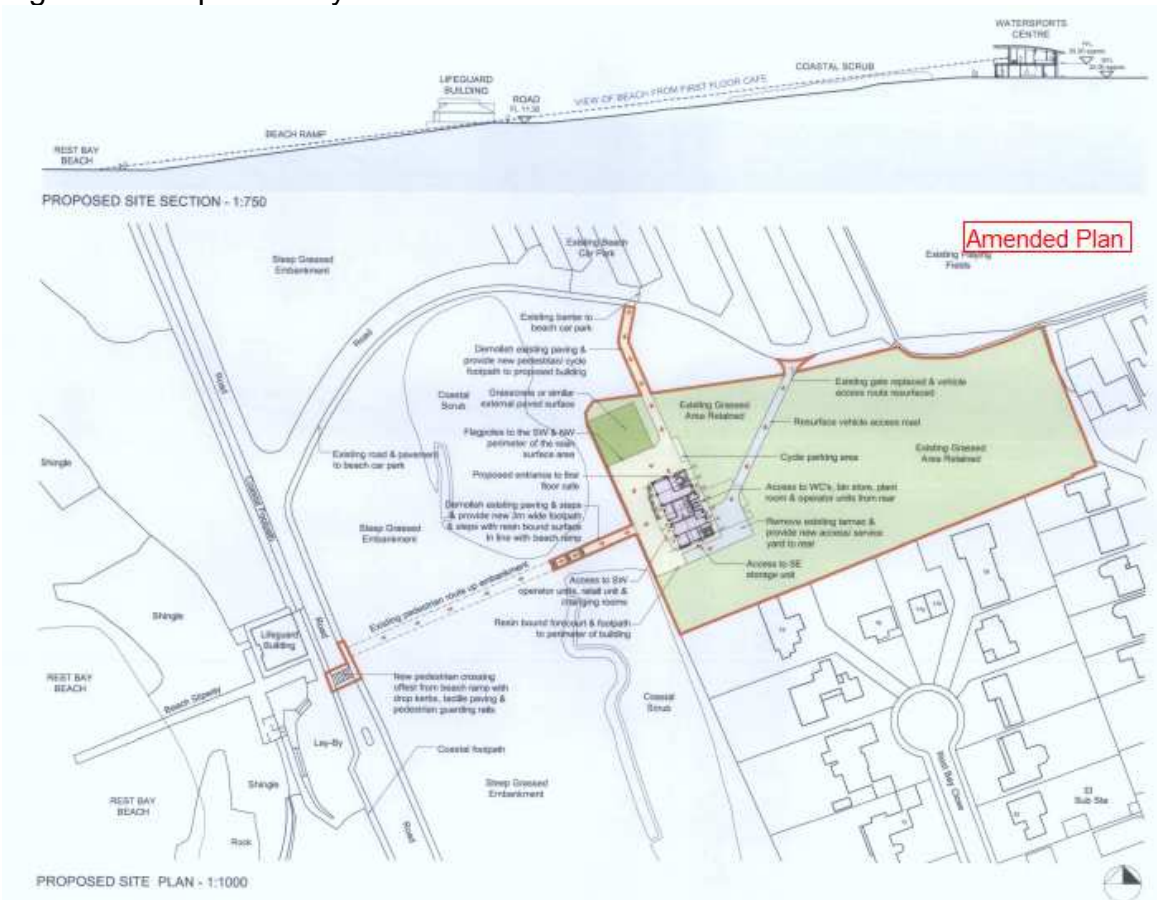


Figure 2 - Proposed Floor Plans:



Access to site will be via an improved link from the car park to the north and from the beach and coastal path to the south west, with public space and the provision of a hardstanding area for hosting major water sports events around the building. A new pedestrian crossing is proposed to the access road adjacent to the Lifeguard Building with new concrete steps and footpaths provided to replace the existing steps and footpath at the top of the sloping embankment.

Figure 3 - Proposed Layout:



## RELEVANT HISTORY

P/17/519/DPN – Prior notification to demolish single storey flat roof café and public toilet block – Decision Pending.

## **PUBLICITY**

The application was advertised on site and the press.  
Neighbours have been notified of the receipt of the application.  
The period allowed for response to consultations/publicity expired on 19 July 2017

## **CONSULTATION RESPONSES**

**Head of Street Scene (Highways)** – No objection subject to a number of conditions regarding details of cycle parking, construction management plan and agreement on the proposed pedestrian crossing.

**Head of Street Scene (Drainage)** – No objection subject to a condition for the submission of a full, comprehensive drainage scheme for the site.

**Porthcawl Town Council** - No Objection

**Welsh Water Developer Services** - No objections.

**Public Rights of Way Officer (PROW)** - No objection as the proposed development will not adversely affect the Public Footpath No1, Porthcawl.

**Destination and Countryside Manager** - No objection subject to a number of recommendations regarding a method statement to ensure protected species are not undermined and the provision of nesting boxes within the development.

## **REPRESENTATIONS RECEIVED**

Eight letters of representation have been received with regard to the proposed development.

Bridgend Ramblers have raised no objection to the proposed development.

Porthcawl Civic Trust Society has raised an objection to the proposed development stating that the design and building materials of the proposed building are totally out of accord with the character of the area including The Rest and the Lifeguard Station and the development fails to enhance the environmental uniqueness of the Special Landscape Area.

Planning Consultancy Mango Planning has raised a number of objections on behalf of Rest Bay Surf Lifesaving Club and these have been summarised as follows:

- The proposal does not comply with Policy ENV1 and is contrary to the development plan;
- The site location plan does not include all areas where works are proposed and will take in additional land outside the control of the Council which will therefore require formal notification and correction of statutory certificates;
- The development constitutes major development and therefore a 28 day formal pre application consultation should have been undertaken;
- The proposal provides no facilities for the club;
- Changing rooms are very small, open to the public and are not segregated;
- Location of changing rooms shows little regard for the likely function of the building;
- Removal of such a key facility without adequate replacement;

- Lack of storage for the club;
- Introduction of Class A1 uses;
- Viability of new commercial uses;
- Drainage concerns;
- Concerns over proposed design of building and its used as a centre of excellence for water sports.

Five objection letters have been received from the neighbouring properties, 10 Curlew Close, 11 Curlew Close, 16 Rest Bay Close, 17 Curlew Close and 17a Curlew Close raising the following concerns:

- Impact on residents of Curlew Close regarding visual impact, congested car parking and access for residents and emergency vehicles as a result of the development especially at weekends and in school holidays;
- Noise and disturbance to local residents due to late night opening of the proposed building;
- Concerns over the height of the building, its two storey nature and impact on the unspoilt coastline;
- Impact on privacy and loss of light and views of the neighbouring properties of Curlew Close due to proposed height and close proximity of building;
- Concern over a potential expansion area;
- Loss of value of properties;
- Impact on wildlife;
- Concern over increase in vandalism, anti-social behaviour and attraction of overnight campers and travellers as a result of the external changing room building;
- Concerns over proposed materials to be used in the surfacing of the external paving area.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised above have been addressed within the appraisal section of the report.

The red line boundary has been amended and now includes all areas where works are proposed and all appropriate notifications and certificates have been issued.

The application does not constitute major development as the development site area does not exceed 1000sq.m and therefore there is no requirement for the pre application consultation process to be undertaken.

Loss of view and devaluation of properties are not material planning considerations.

Amended plans have been received which have omitted the single, standalone, external changing room building and potential expansion area from the application.

It is not considered that the development will give rise to any issues of vandalism or increased attraction to overnight campers or travellers. Anti-social behaviour is controlled under separate legislation.

The A1 retail units are small and will be ancillary to the main use of the building.

The application must be determined on its merit and the appropriateness of its use as a 'Centre of Excellence for Watersports' is not a consideration.



No objections have been raised by the Council's Drainage Officer.

The external paving areas will be finished in a combination of 'grasscrete' and a hard surface, details of which will be controlled by condition.

## **APPRAISAL**

The application is referred to Committee to enable consideration of the objections received from the local residents.

The application proposes the demolition of the existing cafe, toilet block and the removal of an existing storage container located to the south of the building and the erection of a new cafe and water sport centre at Rest Bay, Porthcawl.

The main issues to consider in this application are firstly, the principle of the development, its design and impact on the character of the area and special landscape area, impact on the neighbour's amenities, ecology, highway safety and the impact on the setting of the Listed Building.

### Principle of the development

The application site is located outside of the defined settlement boundary of Porthcawl as defined by Policy PLA1 of the adopted Bridgend Local Development Plan 2013 (BLDP). The proposal is, therefore, deemed to be within the countryside where Policy ENV1 of the BLDP applies. This Policy states development in the countryside will be strictly controlled. 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/farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate 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 in the countryside it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

The proposed development which includes the direct replacement of an existing building is considered to accord with Policy ENV1 (9). Therefore, the development is considered acceptable in principle but is subject to compliance with the criteria set out in Policy SP2 of BLDP.

Policy SP11 Tourism states that appropriate tourism developments which promote high quality upgraded facilities, promote sustainable and activity based tourism, business, events and cultural tourism will be permitted. The proposal complies with Policy SP11 as it includes the demolition of an existing single storey café and a public convenience block to accommodate the construction of a new two storey building comprising of a new café, toilet facilities and water sports centre to serve the strategically important resort of

Porthcawl.

Policy REG12 of the LDP relates to new or extended tourist facilities, accommodation, and attractions states that new tourist facilities will be permitted where the activity is compatible with and complimentary to the countryside location. The proposal provides more interesting vistas from the nearby access road which it is anticipated will assist in maintaining the longevity and sustainability of the proposed facilities. Furthermore, the proposed development is considered to be compatible with the enhancement of its context in terms of its form, materials and details and seeks betterment from the existing units which have limited aesthetic appeal and as such complies with Policy REG12.

Policy SP13 relates to social and community facilities and requires that development should maintain and improve the quality of life of residents through retaining or enhancing social and community facilities. The proposal complies with Policy SP13, as it seeks a new and improved water sports facility, which will enhance and complement the regeneration of the Porthcawl area.

Accordingly, it is considered that the proposed development is acceptable in principle and complies with Policies SP11, SP13 and REG12 of the Bridgend Local Development Plan 2013.

#### Design of the Building and Impact on the character of the area and Special Landscape Area

The site is designated as a Special Landscape Area under Policy ENV3(8) (Porthcawl Coast) of the LDP. The site is located adjacent to the Locks Common Local Nature Reserve and a Site of Importance for Nature Conservation (SINC) and is some 235m from the Grade II listed building known as The Rest.

LDP Policy ENV3 (Special Landscape Areas) provides criteria for the assessment of development. Firstly, it requires that development in Special Landscape Areas (SLAs) will only be permitted where it retains or enhances the character and distinctiveness of the SLA. Secondly, design of the development should reflect the building traditions of the locality in its form, materials and details and/or assimilate itself into the wider landscape. Thirdly, that the proposal is accompanied by a landscape assessment which highlights the impacts of the development and proposes mitigation for any adverse effects.

The proposed development comprises of a two storey building whereas the existing building is single storey, however, it is considered that the height of the proposed building is acceptable as it reflects the height of the neighbouring properties at Rest Bay Close and Curlew Close which provide the backdrop to the proposal. The building also retains the same footprint of the previous building albeit it has been moved slightly further away from the residential properties. The proposed A1 retail units within the site are also considered acceptable as they are considered ancillary to the main use of the building and accord with Policy SP11 of the LDP.

It is considered that the proposed building sits well within this open coastal location especially when viewed against the backdrop of the existing properties. Whilst the proposed design of the building is contemporary in nature, it is considered to reflect the site's character and context of this coastal location especially the curved design of the roof which aims to reflect the waves of the sea. The proposed materials, which largely consist of glass and timber are of a high quality and seek to enhance the character of the area and special landscape area. The design relates well to the context of the site and to the topography of the surrounding area. It is also considered that the removal of the old building and container will improve the overall appearance of the area and make a positive contribution to enhancing the SLA.

Overall, the proposed design, scale and materials of the proposed building are considered acceptable. The proposed building is considered to be in keeping with the character of the area, especially when viewed from public vantage points and the backdrop of The Rest, and aims to protect and enhance the SLA and maximise the benefits of this coastal location and will not have a significant adverse impact on the Listed Building (The Rest). Accordingly, it is considered that the proposed development accords with Policies SP2 (2), SP2 (3), SP5(1) and ENV3 of the Bridgend Local Development Plan 2013.

#### Impact on neighbouring residential amenities

The proposed building is located approximately 25m from the nearest residential property known as 15 Rest Bay Close. Whilst it is considered that some views may be afforded into the gardens of residential properties located to the south of the site from the first floor windows, the separation distance is considered sufficient not to have an unacceptable impact on the residential amenities that the neighbouring properties of Rest Bay Close currently enjoy, particularly No.15, which also has some habitable windows close to the boundary with the site.

Also, due to the distance of the proposed development from Curlew Close of around 110m, it is considered that there will be no significant adverse impact on the residential amenities of these neighbouring properties.

It is also considered that there will be no significant adverse impact on the light received by the neighbouring properties due to the separation distance and their location north of the proposed building.

With regard to issues of noise it is not considered that the proposal will significantly change the current level of activity at the site, however, a condition controlling hours of opening will ensure that there will be no late night use.

Accordingly, it is considered that the proposed development accords with Policy SP2 (12) of the Bridgend Local Development Plan 2013 and the Council's Supplementary Planning Guidance SPG02: Householder Development, which in this case is applied to as a non householder development as the principles are common to all new development.

#### Highway Safety, Access and Parking

The Council's Highway Officer considers that the proposal will continue to provide a service which is ancillary to the wider offer of Rest Bay and therefore it is considered that the proposal will not so materially increase the vehicular traffic movements to the area as to warrant an objection. In addition, it is considered that the public car park which serves Rest Bay has adequate parking capacity to accommodate the proposal. Again it is considered there will be a significant percentage of cross visitation by customers of the proposal and Rest Bay. It is noted that at certain times of the year the Rest Bay public car park can reach capacity, however this is a very occasional occurrence and again could not warrant an objection from the Highway Authority based solely on parking.

To ensure that the delivery yard is available for use at all times and that deliveries are not undertaken from the highway, it is necessary to attach a condition requesting that a scheme for further details of the delivery area are submitted and agreed before any works commence. With regards to accessing the proposal it is considered that Rest Bay benefits from excellent and significant infrastructure to encourage walking and cycling to the area. It is noted that the applicant has not provided any detail with regards to the proposed cycle parking arrangement or the type of structures to be used. Therefore, in order to improve the sustainability credentials of the site and meet the requirements of the Active Travel



(Wales) Act 2013, it is necessary to attach a condition requesting further details of cycle parking at the site.

It is also noted that the proposal includes the creation of an additional pedestrian crossing opposite the Lifeguard station. Having consulted with the Highway Officer it is considered that the creation of a new pedestrian crossing in very close proximity to an existing pedestrian crossing would not be acceptable. As this existing crossing benefits from a central pedestrian refuge and the proposed crossing does not, the existing crossing is considered adequate as a suitable crossing point. However it is noted that the proposed development will increase the potential for pedestrians to cross on the desire line (in front of the slipway) and not use the existing pedestrian crossing. A condition will be attached to any consent requiring a scheme for a single pedestrian road crossing at a location to be agreed. Finally, it is considered necessary to safeguard the free flow of traffic and to minimise the disruption to visitors to the Rest Bay area, especially during the busy summer tourist season, and therefore, a condition requesting a construction traffic management plan is necessary to be attached to any consent granted.

Accordingly, it is considered that the proposed development accords with Policy SP2 (6), SP3 and PLA11 of the Bridgend Local Development Plan 2013 and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

### Ecology

As the application seeks the demolition of the building, the Council's Ecologist has assessed the potential for bats. Due to the construction of the existing building and its location, it has limited bat roost potential.

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 21st 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 existing nature of the application site, it is considered that, overall; there will be no significant adverse residual impacts on biodiversity.

There are no proposals for the removal of any trees or hedgerows as the site comprises mainly of open grassland, however, a condition requiring a scheme to include details of all hard and soft landscaping as well as any proposed boundary treatments will ensure any impact on the character of the area is adequately assessed.

Accordingly, it is considered that the proposed development accords with Policies SP2 (8), ENV3 and ENV6 of the Bridgend Local Development Plan 2013, Supplementary Planning Guidance 19: Biodiversity and Development: A Green Infrastructure Approach, the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009).

### The Setting of the Listed Building

Section 66 of the Listed Buildings Act 1990 places a duty on local planning authorities to have special regard to the setting of a listed building in the determination of a planning application.

In this case, the Grade II Listed Building known as The Rest is located some 235m to the north of the site. This large and imposing former convalescent home occupies a prominent location within the Coastal Zone. There is limited intervisibility between this building and the proposal due to the topography of the surrounding land and other features. Also the main aspect of this area is orientated towards the sea and the new building will not occupy any space between the listed structure and the coastline.

Where the new building may be viewed in the same plane as The Rest, there is a considerable separation distance most of which is taken up by an existing and well used car park. Views from the listed building are dominated by the backdrop of the 3 storey dwellings in the adjacent residential development.

Furthermore, whilst the proposal involves the development of a two storey structure in replacement for a single storey flat roof building, the scale and dominance of the listed building means that there will be no adverse impact as a result of the development. In view of this it is considered that there will not be any impact on the listed building or its setting.

Wellbeing of Future Generations (Wales) Act 2015 Section 3 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.

## **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character of the area and Special Landscape Area or adversely affect the privacy or visual amenities nor so significantly harms neighbours' amenities, ecology, highway safety or the setting of a listed building to warrant refusal.

## **RECOMMENDATION**

(R28) That for the purposes of Regulation 4 of the Town and Country Planning Regulations 1992 that permission be deemed to be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with Amended Drawing Nos. 1001 Rev A, 1002 Rev B, 1004 Rev A, 1005 Rev A, 1006 Rev A, 1007 Rev A, 1008 Rev A, 1009 Rev A and 1010 Rev A received on the 12<sup>th</sup> July 2017, Drawing Numbers 16.3650 01, 02 and 03, Design and Access and Acer Ecology Preliminary Ecology Appraisal received on the 14<sup>th</sup> June 2017 and Drawing No 1003 Rev B received on the 3<sup>rd</sup> August 2017.

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 area.

3. The development hereby permitted shall not operate outside the following times:-

Monday to Saturday 09:00 - 21:00

Reason: In the interests of residential amenities.

4. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected.

5. No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. No development shall commence until a scheme for the provision of turning facilities, and staff parking within the curtilage of the site and the provision of bollards at the entrance to the delivery access road has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained thereafter for delivery and servicing purposes in perpetuity.

Reason: In the interests of highway and pedestrian safety.

8. No development shall commence until a scheme for the provision of 6 cycle parking stands, adequately protected from the elements, has been submitted to and approved in writing by the Local Planning Authority. The stands shall be provided as approved before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site.

9. Notwithstanding Condition 1 of the approved plan, no development shall commence until a scheme for the creation of a single pedestrian crossing, at a location to be agreed, and the removal of the existing pedestrian crossing with the tactile crossing points reinstated, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

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

- i. The routing (with relevant traffic warning signs) and timing of HGV construction traffic to/from the site in order to avoid The Esplanade and West Drive to the east of the site.
- ii. The proposed size of construction vehicles.
- 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. Wheel washing facilities.
- vii. Measures to control the emission of dust and dirt during construction.

viii. The provision of temporary traffic and pedestrian management on the Rest Bay Car Park access road.

Reason: In the interests of highway and pedestrian safety and the free flow of traffic

11. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use.

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) The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character of the area and Special Landscape Area or adversely affect the privacy or visual amenities nor so significantly harms neighbours' amenities, drainage, ecology or highway safety to warrant refusal.
- b) The proposed development is crossed by a public sewer/rising main/ disposal main with the approximate position being marked on the attached statutory public sewer road. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

The developer is advised to contact Natural Resources Wales regarding the method of drainage.

- c) The applicant is advised to contact the Council's Rights of Way section immediately if any part of the development affects Footpath 1 Porthcawl which appears to be running through the site boundary of the proposed development.
- d) The developer is referred to Section B1: Biodiversity Design Guidance Sheet: Bats and Development when undertaking building demolition or works that will impact on the roof space, which due to its nature creates a potential risk to bats. In particular Section 8.0 Bat warning (pp 47) provides good practice guidelines to be followed by all applicants whose development involves any risk to bats.
- e) The applicant must be made aware of the following:

British bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time or not), intentionally or recklessly obstruct access to a place used for shelter and protection, or deliberately capture, injure, kill, or disturb a bat/bats.

Under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

- f) Section B2: Biodiversity Design Guidance Sheet: Birds and Development advises in respect of works which may affect nesting birds. Policies ENV5 and ENV6 of the Bridgend Local Development Plan, PPW 5.2.8 and guidance in TAN 12, encourages and favours development opportunities that enhance biodiversity particularly in rural locations such as this.
- g) The applicant is advised to give consideration be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include House Sparrow, Swift and House Martin, species which are declining in number due to a reduction in suitable nest sites. Further information can be found on page 55 section 16.0 in the above SPG
- h) The incorporation of bat bricks, bat tiles and bat boxes into the development, would provide Summer roosting opportunities for bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG.
- i) Incorporation of biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

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

**Background Papers**

None