

**REFERENCE:** P/18/711/FUL

**APPLICANT:** Credu Charity Ltd.

**LOCATION:** **Cosy Corner, Porthcawl Harbourside, Porthcawl CF36 3YR**

**PROPOSAL:** Mixed use maritime centre complex comprising main building, cafe/bistro/wine bar/micro-brewery, green room offices, external areas, loading & unloading points, amphitheatre/auditorium, temporary sea cadet hut/construction office portacabins & proposed temporary hoardings & associated works

**RECEIVED:** 28 August 2018

### **APPLICATION / SITE DESCRIPTION**

The application by Credu Charity Ltd. seeks Planning permission for the redevelopment of the Cosy Corner part of the Porthcawl Waterfront Regeneration area close to the Grade II Listed Jennings Building and the Porthcawl Lifeboat Station building within the recently developed Marina.

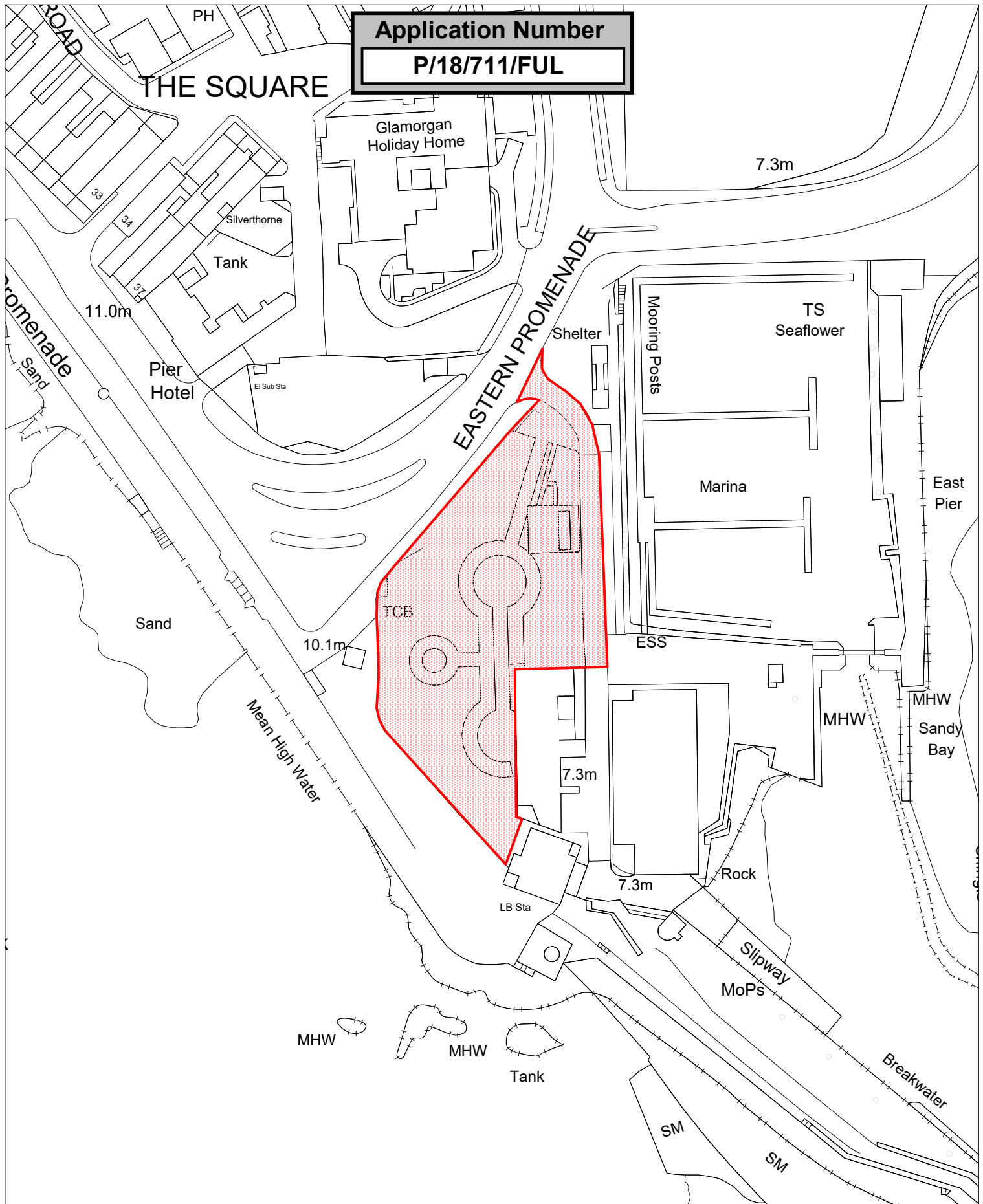
The site lies to the south-east of the town centre and is wholly within the Porthcawl Conservation Area.

The 0.36 ha site is a large sunken grassed area which is partially enclosed by a high curved quarried stone wall which slopes downwards to the entrance to Porthcawl Harbour. The site is accessed via the Eastern Promenade.

The land is owned by the Council and will be leased to the applicant. The development is dependent on European and the Big Lottery Funding and Planning permission is a vital step in being able to apply for and secure the funding.

As referred to in the Planning History section of the report below, the site benefits from an extant consent for a very similar development, granted in September 2016 under Planning application reference P/16/373/FUL. This new application seeks to make changes to the design philosophy of the scheme following a detailed assessment of the cost of building the consented scheme, a lengthy review process with Officers and the Design Commission for Wales and a value engineering exercise, whilst still delivering the applicant's requirements for the development.

The consented scheme (App. No. P/16/373/FUL) was positioned parallel and closer to the Esplanade wall and incorporated three tower elements, rendered walls and a large proportion of glazing and curved features.



**Application Number**  
**P/18/711/FUL**

**THE SQUARE**

Glamorgan  
Holiday Home

7.3m

Silverthorne  
Tank

11.0m

Pier  
Hotel

El Sub Sta

**EASTERN PROMENADE**

Shelter

Mooring Posts

TS  
Seaflower

Marina

East  
Pier

Sand

10.1m

TCSB

ESS

Mean High Water

MHW

MHW  
Sandy  
Bay

7.3m

Rock

LB Sta

7.3m

Slipway  
MoPs

MHW

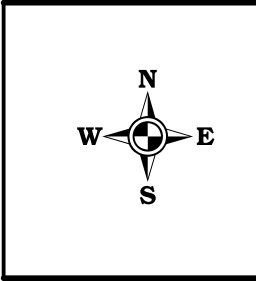
MHW

Tank

SM

SM

Breakwater



**Scale 1:1,250**

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**Date Issued:**  
**15/11/2018**

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**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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**Figure 1: Scheme consented under P/16/373/FUL**



A multi-level and multi-use flagship Maritime Centre complex is proposed together with associated facilities for the benefit of the community of Porthcawl. It is intended that the facility will establish the Harbourside as a prime destination for all-weather and year-round maritime activities whilst providing business, educational, cultural and health and well-being benefits to the south coast of Wales.

The main 4 to 5 storey (with a lower ground floor level and mezzanine level within the roof), mainly rectangular, harbour/industrial style building will be sited towards the centre of the site, perpendicular to the Grade II Listed Jennings Buildings.

The design incorporates features such as balconies, walkways, projections, dormer windows and terraces to maximise the views across the harbour to the south and the marina to the east. The main body of the building will be approximately 37m in length by 18m in width (excluding the boardwalks, walkways, balconies, stairways and projections) and the building has a hipped roof design to relate to the Jennings Buildings and the smaller kiosk building at the entrance into the site which has now been refurbished and remodelled.

The main building will accommodate various community, non-profit organisations and commercial premises including a training pool, changing rooms, kiosks, gym, studio, main reception, offices, plant rooms, storerooms, a Changing Places facility and separate washrooms for the Harbour Berth Holders at lower ground floor level; Sea Quest Coastal Science and Discovery Centre and conference facilities, a children's creche, reception area, small retail units, a room for the Sea Cadets, WCs and storage space at upper ground floor level; twelve rooms and two pods as part of lodging style accommodation for schools and youth groups to be provided at 1<sup>st</sup> floor level; a restaurant, bar, kitchen and offices for the Harbour Master, surf centre and the applicant at 2<sup>nd</sup> floor level and extra covers for the restaurant, a watchtower and a void for enclosed plant at mezzanine level within the roofspace.

The levels will be accessed via internal and external walkways/staircases and lifts will allow access to all floors. The development will include a ramp down from the promenade to the west and a covered service access to the north west corner of the building with a view to allowing delivery access from the Esplanade. The offices will accommodate the Welsh Surfing Federation, the Sea Cadets, the Harbour Master and SSAFA (the Armed Forces Charity).

**Figure 2: Aerial Representation of the Proposed Scheme**



Externally, it is proposed to incorporate the sub-station into a pedestrian entrance and canopy feature at the northern end of the site.

To the southern end of the site, it is proposed to erect one and a half storey buildings, stepping down to the levels of the RNLI Building and the Jennings Buildings, to frame an external performance area/amphitheatre seating area.

The structures will include a micro-brewery, Café/Bistro, a wine bar, a roof terrace, exhibition spaces, green rooms, offices and the multi-functional performance area together with a performance area control booth/kiosk.

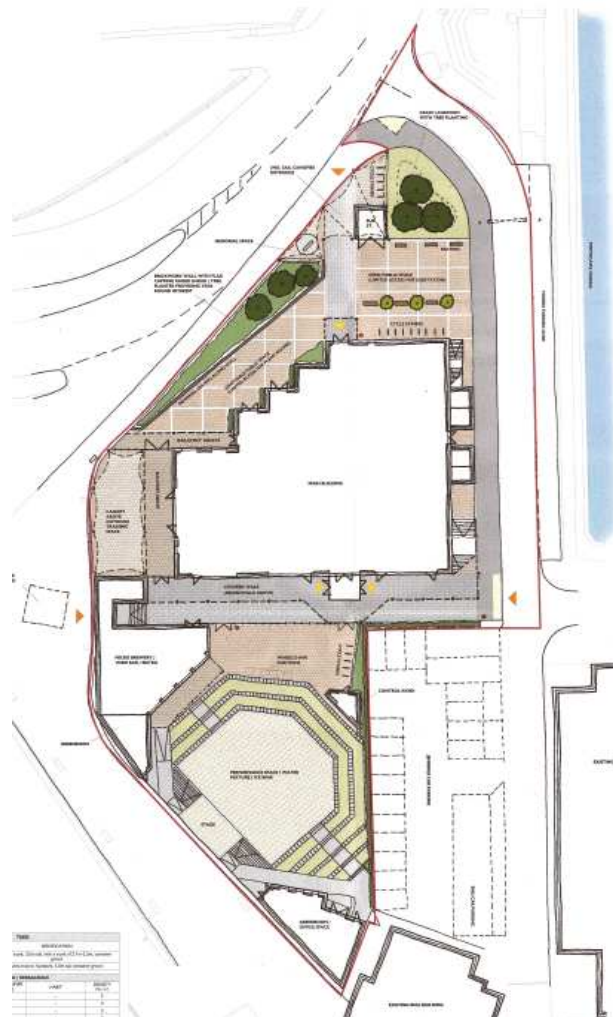
The performance space will have the option of being covered by a canopy for certain events or performances but this will not be a permanent feature. The remainder of the site will be retained as public open space in a combination of hard and soft landscaping including the access road to the Jennings Building, RNLI Building and car parking area. There are also further open spaces to the north of the building between the structure and the Esplanade wall which will include a training space, informal seating, cycle stands, planting and a limited number of trees, climbers, shrubs and grassed areas.

The application also seeks consent for temporary buildings on the site in the form of an interim Sea Cadet facility, until they are eventually rehoused within the main building and portacabins for the construction period along with temporary hoardings around the site whilst the complex is being constructed.

The proposals also include the siting of a memorial for the S.S. Samtampa.



**Figure 3: Proposed Site Layout**



As well as the plans, landscaping scheme and visualisations of the development, the application has been supported by the following reports:

- Design and Access Statement
- Ecological Appraisal & Summary of BREEAM Ecology Credits
- Flood Consequence Assessment
- Heritage Statement
- Pre-Application Consultation Report
- Planning Statement
- Landscape and Visual Appraisal
- Sustainability Statement
- Transport Assessment
- Preliminary Information from a Geotechnical & Geo-environmental Ground Investigation
- Groundwater and Gas Monitoring
- Additional Soakaway Testing and Tidal Monitoring

After reviewing the initial submission, the following documents were requested, and received, by Officers:

- Updated Flood Consequence Assessment
- Heritage Note (in support of the Heritage Statement)
- Justification Statement
- Elevations of the revised Micro-Brewery/Café/Bistro/Wine Bar element

## **RELEVANT HISTORY**

P/17/326/DOC - Approval of details for Conditions 10, 11, 15 & 18 of P/16/373/FUL – Approved 27/7/17

P/17/306/RLX - Vary condition 6 of P/16/373/FUL relating to commercial vehicle parking – Approved with conditions 1/6/17

P/17/294/NMA - Amend conditions 7, 8, 9 & 13 of P/16/373/FUL – Approved 2/6/17

P/17/69/NMA - Non material amendments to P/16/373/FUL – Approved 22/2/17

P/16/373/FUL - Maritime centre building incl. community, education & leisure facilities (use classes A3, B1a, C1, D1, D2), micro-brewery & an open air performance space – Approved with conditions 30/9/16

P/14/296/FUL - Change Use of Open Space Into Secure Enclosure For Boat Storage & Boat Racking To Support Marina – Approved with conditions 13/2/15

Whilst there is no other relevant recent Planning history for the application site (historically used as a public open space and theatre) the following selected applications relate to the redevelopment of the nearby Grade II Listed Jennings Building:

P/15/609FUL – Change of use of warehouse to A1, A3, D1 and 13 residential units and Custom House to A1; provide car park, outdoor seating and associated works – Approved 5<sup>th</sup> February, 2016

P/15/608/LIS – Change of use of warehouse to A1/A3, D1 and 13 residential units, Custom House to A1 and provide outdoor seating, car park and associated works – Approved 4<sup>th</sup> February, 2016

## **PUBLICITY**

Neighbours have been notified of the receipt of the application and the scheme has been the subject of site and press notices due to its location within a Conservation Area and its potential impact on the setting of Listed Buildings.

The period allowed for response to consultations/publicity expired on 4 October 2018.

## **NEGOTIATIONS**

The application has been the subject of detailed pre-application discussions and consultations with the Design Commission for Wales and the finalised scheme is broadly in line with the pre-application advice and the Council's Planning Development Brief (Jan 2016).

## **CONSULTATION RESPONSES**

**Porthcawl Town Council Observations** - No objection.

**Head of Street Scene (Highways)** - No objections subject to a Traffic Order, conditions and informatives.

**Conservation and Design** - It is accepted that the development is of considerable scale and mass and it will have an impact on the setting of the Grade II Listed Building and views through to the Jennings Buildings will be restricted by it. The Conservation

and Design team considers that it is to be constructed of a traditional form and materials which are appropriate in this historic context. Therefore, the team does not raise an objection to the scheme but stress that a pre-commencement condition relating to finishes and specifications of the buildings will be necessary to mitigate the impact of this building on both the setting of the Listed Building and the character and appearance of the Conservation Area.

**Dwr Cymru/Welsh Water Developer Services** - No objection subject to conditions.

**Natural Resources Wales** – After initial concerns were raised, an updated FCA was received on 11<sup>th</sup> October, 2018 and any additional comments from NRW will be reported to the Development Control Committee on the Amendment Sheet.

**Head of Street Scene (Drainage)** - No objection subject to conditions and advisory notes.

**Shared Regulatory Services - Public Protection** - No objection subject to the agreement that the design, construction and maintenance of the extraction and odour abatement systems in any commercial kitchen included in the development is in accordance with the DEFRA Guidance on Control of Odour & Noise From Commercial Kitchen Exhaust Systems and agreed with the SRS prior to the commencement of development.

**Economy and Natural Resources Manager (Countryside Management and Ecology)** - No objection subject to conditions.

**Glamorgan Gwent Archaeological Trust** - No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

The Local Ward Member (Cllr. B. Jones) has confirmed his full support for the scheme.

The Porthcawl Civic Trust Society has also offered their “total support for this long awaited building and hope that planning permission is granted swiftly.”

A large number of local residents have written in support of the scheme, mainly due to the community benefits that it will provide.

The owner and one staff member of the Pier Hotel support the application along with the Secretary of the Royal Porthcawl Golf Club.

However, the joint owners of 9, Jennings Buildings have objected to the development on the grounds that it will obstruct their views, it will create too much activity in the area, car parking will be a problem, traffic congestion will increase, noise levels will increase and it will not enhance the area.

The operator of Sidoli's (Unit 1, The Jennings Building) has also objected to the proposal on the grounds that they have made a significant investment in the new Harbour Kiosk with new equipment, they have suffered a loss of income during the period of regeneration when the unit was closed for six months and their business will be further compromised by the increase in competition of a further café offering similar products.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

In terms of the objections raised, the loss of a view is not a material Planning consideration although the building is not directly in front of the Jennings Building, there is already a high level of activity and noise in the area due to its location close to the harbour, the conversion of the Jennings Buildings into commercial units and the regular use of the open space, the development will not benefit from any parking spaces within the harbour area opposite the Jennings Building and servicing/deliveries will occur from the Esplanade/Promenade end of the site with no vehicles being allowed to enter the site apart from bin lorries and occasional maintenance vehicles. As to whether the development will enhance the area or not is considered in the appraisal section of this report. With regard to increased competition for existing operators, this is not a material Planning consideration and neighbouring occupiers have to expect a degree of disruption during the construction works.

## **APPRAISAL**

The application is being reported to the Development Control Committee due to the potential significance of the scheme for Porthcawl and its residents and the wider County Borough of Bridgend and due to its importance as part of the initial stages of the Porthcawl Waterfront Regeneration Area redevelopment.

The site lies within the Porthcawl Conservation Area and the Porthcawl settlement development boundary. It also lies within the Porthcawl Strategic Regeneration Growth Area as defined by Policy SP1 of the Local Development Plan (LDP) and forms part of a site allocated for a regeneration and mixed use development scheme under Policy PLA3(8) of the LDP.

The regeneration area provides a unique opportunity to create a vibrant new focus that will bring social, economic and environmental benefits to the Town itself and the wider area. Therefore, a mixed use development at this location is considered acceptable in principle.

The site is also the subject of a Cosy Corner Planning Development Brief, produced in January 2016, which establishes a planning and design framework for the redevelopment of the site.

A wider, more far reaching, Supplementary Planning Guidance note has also been produced for the Seven Bays Project - Porthcawl Waterfront. This document was adopted by the Council in November 2007. The SPG does not form part of the LDP itself although its proposals are consistent with the relevant LDP policies.

The Porthcawl Waterfront Planning guidance provides details of the type of development envisaged for individual 'Character Areas' and sets out the general principles that developers will be expected to demonstrate when bringing forward proposals for the site. Cosy Corner is situated in the "Harbour Quarter" character area which is one of the most important character areas contained within the guidance. It envisages a revitalised harbour, focussed around a permanent body of water surrounded by a high quality environment.

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications.

Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character; being of an appropriate scale,



size and prominence; using land efficiently; providing an appropriate mix of land uses; having good pedestrian, cycling, public transport and road connections within and outside the site; avoiding or minimising noise, soil and water pollution; safeguarding and enhancing biodiversity and green infrastructure; ensuring equality of access by all; ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected; incorporating appropriate arrangements for the disposal of foul sewage and surface water and contributing towards local, physical, social and community infrastructure which is affected by the development are the relevant criteria for the purposes of this application.

Strategic Policy SP5 of the LDP seeks to ensure that development conserves, preserves or enhances the built and historic environment of the County Borough and its setting including demonstrating that it will not have a significant adverse impact on Listed Buildings and their settings and the character and appearance of Conservation Areas.

The supporting text to SP5 specifically states that the Built and Historic Environment is fundamental to the LDP Strategy and to achieving sustainable development.

In respect of the conservation of the Historic Environment, Planning Policy Wales' (Edition 9, November 2016) objectives are to preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life and its importance as a resource for future generations; and specifically to protect archaeological remains, which are a finite and non-renewable resource. A condition will be attached to the recommendation requiring an archaeological watching brief during the works as requested by GGAT.

Section 66 of the Listed Buildings Act 1990 dictates that special regard to the desirability of preserving the Listed Building or its setting must be had when determining an application.

In addition, Technical Advice Note 24: The Historic Environment (2017) provides guidance on how aspects of the historic environment should be considered and replaces Welsh Office Circulars 60/96 Planning and the Historic Environment: Archaeology, 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas and 1/98 Planning and the Historic Environment: Directions by the Secretary of State for Wales.

The main considerations for this development relate to its potential impact on the character and appearance of the Porthcawl Conservation Area and, more specifically, its potential impact on the setting of the nearby Grade II Listed Jennings Building.

Paragraphs 1.25, 1.29 and 6.7 of the TAN are of particular relevance to this scheme and state:

"1.25 The setting of an historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset."

“1.29 The Local Planning Authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting Authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use.”

“6.7 Many Conservation Areas include the commercial centres of towns and villages. Generally, there will be an emphasis on controlled and positive management of change that encourages economic vibrancy and social and cultural vitality and accords with the area’s special architectural and historic qualities. Many Conservation Areas include sites or buildings that make no positive contribution to or indeed detract from the character or appearance of the area; their replacement should be a stimulus to imaginative, high-quality design and an opportunity to enhance the area.”

At the pre-application advice stage for the original and consented scheme, it was advised that the main key vistas within, into and out of the area should be maintained, particularly the important views as illustrated in map 10 of the Cosy Corner Planning Development Brief. This advice was reiterated during the consideration of this alternative scheme.

A Heritage Statement has been produced and a Landscape and Visual Impact Assessment has been undertaken in support of the application and, following a request from the Conservation and Design Team, a Heritage Addendum Note and Justification Statement followed.

Whilst the documents have not absolutely demonstrated that the development will not have any impact on the setting of the Listed Building and the majority of key views and vistas to the Jennings Building will be obscured by the larger, more solid/less transparent and re-orientated Maritime Centre building, it has always been accepted by officers that this was likely to be the case given the position of the application site in relation to the Jennings Buildings, the scale of the development in comparison to the Jennings Building and the need to respond to the historically commercial context of the site. However, measures have been implemented to limit the impact of the building on the views to the Listed Building and its setting and to try and preserve the character and appearance of the Conservation Area.

The views from the promenade into the site and across to the Jennings Building will be interrupted due to the varying topography of the site and the proximity of the larger Maritime building to the Jennings Buildings. However, views into the site will be possible through the entrance to the site from the Promenade due to the comparatively reduced height (1 ½ storey) of the buildings proposed for the south of the main building (micro-brewery/café/bistro, wine bar) and the lightweight/glazed design of that part of the site.

The artist’s impression of the scheme (as highlighted below) indicates that the Jennings Building will be visible from the Promenade at this point and will attract the public into this generally commercial area.

**Figure 4: View of the site from the Promenade (with the Jennings Buildings visible in the background)**



The temporary nature of the proposed tensile fabric covering structure for the proposed outdoor Performance Space will also aid views into the site and across to the Jennings Building.

When viewed from the coastline and on the main highway approach along the Portway, the building will add interest to the skyline and silhouette of the town of Porthcawl. The historic Jennings Building will feature in the foreground from such views.

In terms of the design and proposed finishes of the building, the traditional style, the use of hipped roofs and the use of render, stone and a natural slate roof are considered to be appropriate in this location, however, the proposed features such as the timber walkways and external staircases and the window detailing could be revised to simplify and reduce the overall visual impact of the building via a suitably worded condition.

**Figure 5: View of the site on the Portway approach from the east**



A condition is attached to the recommendation requiring additional detailed specifications of the materials and finishes proposed for the buildings, particularly in relation to the roof covering, the render system and the profile, colour and style of the glazing bars, stone cladding, timber boardwalk, balustrading, public realm treatments and tensile canopies.

**Figure 6: View of the building from the northern corner of the Jennings Buildings**



In this case, and in view of the above deliberation and the Conservation and Design Team's comments on this application, the scheme has tried to address the potential effects of the updated development proposal on the Porthcawl Conservation Area and listed buildings adjacent to the site and, through the imposition of conditions, the retention of the stone wall, the traditional dockside warehouse design of the building and the retention of some views through to the Jennings Buildings, it is considered that it will have a neutral and acceptable impact on the setting of the Grade II Listed Jennings Buildings and will preserve the character and appearance of the Porthcawl Conservation Area.

In conclusion, it is considered that the proposed development accords with the advice contained with the Cosy Corner Planning Development Brief and will comply with Policies SP5 and EV8 of the LDP and advice contained within Planning Policy Wales and TAN24.

Strategic Policy SP10 of the LDP states that all retail, office, other commercial, leisure and appropriate employment developments will be focused according to the hierarchy of retailing and commercial centres. Porthcawl is identified as a Town Centre and it is considered that this community facility and ancillary commercial uses (generally A3 with no A1 retail element) will complement rather than have a negative impact on the vitality and viability of the nearby Porthcawl Town Centre.

Strategic Policy SP11 of the LDP states that appropriate tourism developments which promote sustainable and activity based tourism will be permitted when linked to regeneration initiatives at the strategically important resort of Porthcawl. This mixed use development of community, educational and leisure uses will provide a much

needed focal point for Porthcawl, the County Borough and South Wales in general.

In terms of biodiversity, 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," and 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."

The Council's Countryside Management Officer accepts the conclusion of the Ecological Appraisal Report that the site is of limited ecological interest, however, the ecological appraisal does recommend species rich planting to enhance the wildlife potential of the scheme as part of a Landscape and Habitat Management Plan. This aligns with Policy ENV6 of the LDP and a condition has been attached to the recommendation to ensure that the Plan is submitted for approval which will satisfy the Council's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 and guidance contained within TAN5: Nature Conservation and Planning (2009). Therefore, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

In terms of the highway implications of the development, the scheme and the Traffic Assessment (TA) which accompanied the application have been considered in detail by the Head of Street Scene (Highways).

It is considered that although the shape and position of the building has changed for this application, the accommodation and projected end users of the building has not changed since the 2016 application.

Therefore, the previous Transport Assessment which seeks to quantify the projected traffic movements generated by the development remains valid. The TA concludes that the additional traffic generated by the development will have a minimal effect on the highway network in the locality of the site.

The development is expected to generate up to 18 additional vehicle trips in the AM peak period and up to 85 additional vehicle trips in the PM peak period on weekdays. The TA concludes that the additional traffic generated by the development will have a minimal effect on the highway network in the locality of the site and this conclusion is generally accepted by the Highway Authority. Furthermore single trips to Porthcawl are known to consist of high levels of cross visitation, such as multiple visits to the beach, café and shops. This has the effect of increasing the length of stay and is likely to result in the majority of vehicles seeking to park in the long stay car parks away from the development.

In terms of parking provision, which is effectively nil, given the location of the proposal and the need to ensure that the harbour access road remains clear at all times for the RNLI and the day to day workings of the Marina, the sustainable location of the site with access to local facilities, local public transport and walking and cycling routes, it is considered that it is acceptable and appropriate that there is no staff or public parking within the development site, however, in order to ensure that staff consider alternative means of transport other than the private motor vehicle, the applicant will provide a robust Travel Plan within 6 months of the development becoming operational which will include targets to encourage a transportation modal shift for staff and visitors to the site.

Even though it is estimated that the uses within the site would generate a total requirement for 131 spaces, plus spaces for 5 commercial vehicles to unload in close proximity to the retail/café/restaurant units, the Highway Officer has agreed that all public parking requirements for the site can be accommodated within the nearby public car parks.

With regard to the commercial parking requirement, it is accepted that the full provision of 5 spaces (as per SPG17 – Parking Standards) would not be feasible in this instance due to the constrained nature of the site.

The consented scheme included one additional commercial parking bay located to the immediate north of the commercial bays secured under the consent for the redevelopment of the Jennings Building (three in total) to be shared with the commercial occupiers of the Jennings Building.

However, the applicant's justification statement has now suggested that deliveries could take place from the highway/parking triangle area on the Esplanade. The Highway Authority has considered this proposal and although a number of kerb side parking spaces will be lost, the proposal is considered acceptable along with highway works to improve highway safety. A condition has been requested to secure a scheme to detail the creation of 1 dedicated loading bay in the Esplanade triangle area and the extension of the traffic island on the Esplanade itself. This extension will remove the potentially unsafe manoeuvre of delivery vehicles turning right out of the triangle and heading towards the Portway.

In addition to the above the commercial/delivery parking space will require a Traffic Order to remove the existing parking order and replace with a commercial vehicle loading order. Therefore, the developer will be required to enter into a Section 106 agreement to fund a change to legal traffic orders on the parking triangle of the Esplanade. The agreement should be signed prior to any consent being granted and the required funding will be in the sum of £8000 to cover the cost of publication of the Order, signing and yellow lining etc.



In terms of cycle parking, the Highway Officer considers that there is insufficient provision within the scheme. It is noted that the applicant has proposed a number of spaces at the entrance to the site; these spaces however, are considered to replace the cycle stands currently on site, which will be removed as part of this development. The developer will, therefore, be required to provide a scheme which delivers 30 cycle parking spaces (10 staff and 20 visitors) within the site to promote active and sustainable travel. A condition will be attached to the recommendation requiring details of a scheme to deliver the cycle parking spaces within the site to promote active and sustainable travel.

It is considered that occasionally and at certain particular times, vehicular access will be required into the harbour area by end users of the proposal. Access into the harbour is restricted through the use of a physical barrier with the barrier controlled by the Harbour Master (when on site) and by the issuing of key fobs. The applicant has made no indication of how this existing arrangement will be utilised by the proposed development and who will ultimately be responsible for the control of ad-hoc deliveries and training pool servicing vehicles. As a result, there are concerns in this regard due to the potential of vehicles not being admitted into the harbour area. This could result in other harbour vehicles being blocked or forced to reverse onto the highway to the detriment of highway safety. A condition is attached to the recommendation to address this concern with the creation of a delivery management plan.

Although the level of information submitted concerning site drainage is limited, the Council's Land Drainage Engineers and Dwr Cymru/Welsh Water have not opposed the development and recommend the imposition of a pre-commencement Planning condition requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. Any future drainage scheme for this site will ensure that there are no adverse impacts on third party land.

Section 3 of the Well-being 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. In fact, the development should positively contribute to sustainable development goals.

With regard to disabled access and facilities for all, paragraph 5.3.7 of Technical Advice Note 12: Design suggests that:

*Those seeking permission to build new and public commercial buildings are encouraged to include in their plans accessible 'Changing Places' toilet facilities in*

*addition to standard accessible toilets. Changing Places toilets are facilities specifically designed to accommodate adults whose needs are not met by standard disabled toilets. They incorporate adult-length padded and height-adjustable changing tables, hoists, peninsular WCs and shower facilities.*

The applicant has agreed to the provision of an accessible “Changing Places” toilet facility within the complex and the full details of this facility will be secured via a suitably worded condition.

## **CONCLUSION**

Having regard to the above, this application on balance is recommended for approval because the development complies with Council policy, guidelines and the Cosy Corner Planning Development Brief (Jan 2016). The scheme is a vital component of the Porthcawl Waterfront Regeneration Area that will preserve the character and appearance of Porthcawl Conservation Area and the setting of the Grade II Listed Jennings Building. Furthermore, the development will not adversely affect privacy, highway safety or visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

## **RECOMMENDATION**

A) The applicant enters into a Section 106 Agreement to provide a financial contribution in the sum of £8,000 to fund a change to the legal traffic orders on the parking triangle of the Esplanade;

B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:

1. The development shall be carried out in accordance with the following approved plans:-

Site Location Plan (1:1250) – received 28<sup>th</sup> August, 2018

Site Layout Plan – received 28<sup>th</sup> August, 2018

Landscape General Arrangement Plan – received 28<sup>th</sup> August, 2018

Lower Ground Floor Plan – received 28<sup>th</sup> August, 2018

Upper Ground Floor Plan – received 28<sup>th</sup> August, 2018

1<sup>st</sup> Floor Plan – received 28<sup>th</sup> August, 2018

2<sup>nd</sup> Floor Plan - received 28<sup>th</sup> August, 2018

Mezzanine Level Plan - received 28<sup>th</sup> August, 2018

Main Building – west elevation - received 28<sup>th</sup> August, 2018

Main Building – south elevation - received 28<sup>th</sup> August, 2018

Main Building – north elevation - received 28<sup>th</sup> August, 2018

Main Building – east elevation - received 28<sup>th</sup> August, 2018

Café/Bistro/Wine Bar/Micro-brewery – South and North Elevations and Section - received 28<sup>th</sup> August, 2018

Café/Bistro/Wine Bar/Micro-brewery – East and West Elevations - received 28<sup>th</sup> August, 2018

Exhibition Space, Green Room and Office Building – Floor Plans/General Arrangements – received on 28<sup>th</sup> August, 2018

Exhibition Building and Green Room - North West Elevation (1:100) – received on 22<sup>nd</sup> July, 2016

Exhibition Building and Green Room - North West Elevation (1:125) – received on 28<sup>th</sup> August, 2018

Exhibition Building and Green Room - North East Elevation (1:125) – received on 28<sup>th</sup> August, 2018

Exhibition Building and Green Room - South West Elevation (1:125) – received on 28<sup>th</sup> August, 2018

Performance Space Control Kiosk/Booth – Plans and Elevations – received on 28<sup>th</sup> August, 2018

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

2. The A3 units hereby approved (restaurant/bar/lounge; wine bar, micro-brewery and café/bistro) shall only be used for purposes falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order and for no other purposes whatsoever.

Reason: For the avoidance of doubt as to the extent of the permission granted.

3. No development shall commence on site until there have been submitted to and agreed in writing by the Local Planning Authority full details of the:

- Windows – means of opening/ materials/ style/glazing specifications/obscure glazing
- Doors - means of opening/ materials/ style/glazing specifications/obscure glazing
- Tensile canopy specification
- Stone cladding
- Timber boardwalk timber specification, treatments dimensions
- Planting schemes
- Slate and ridge tiles specification
- Soffits and RWGs specifications
- Balustrading frame and glazing specifications
- Render specifications
- Colour scheme for all elements
- Public realm treatments
- Hoarding and signage

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the elevations have an authentic character in the interests of the preservation of the setting of the Listed Building/s, as well as the preservation and enhancement of the character and appearance of the Porthcawl Conservation Area.

4. 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 shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent hydraulic overloading of the public sewerage system and that flood risk is not increased.

5. No development shall take place, including any works of demolition/site clearance, until a Construction Traffic 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 of HGV construction traffic to/from the site in order to avoid New Road and Porthcawl Town Centre.
- ii. The parking of vehicles of site operatives and visitors on site
- iii. Loading and unloading of plant and materials to avoid harbour operations
- iv. Storage of plant and materials used in constructing the development within the site
- v. wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. The provision of temporary traffic and pedestrian management at the harbour access road and Esplanade footway.

Reason: In the interests of highway and pedestrian safety.

6. No development shall commence until a barrier and access management plan detailing how servicing vehicles and refuse vehicles will be effectively managed with the existing harbour operations to ensure the facilities are appropriately used at all times, has been submitted to and agreed in writing by the Local Planning Authority. The agreed barrier and access management plan shall be implemented in full prior to the development being brought into beneficial use and shall be adhered to thereafter in perpetuity.

Reason: In the interests of highway safety.

7. No development shall commence until a scheme for the provision of 1 commercial vehicle loading bay located in the Esplanade parking triangle has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

8. The developer will provide a retail delivery and servicing plan which is to be submitted to and agreed in writing by the Local Planning Authority no later than 6 months from the date of this Planning permission. All servicing and delivery vehicle movements to the site shall be made in accordance with the approved retail delivery and servicing plan once the development is brought into beneficial use and retained thereafter.

Reason: In the interests of highway safety.

9. The developer shall provide a signage scheme advising of the allowable vehicles into the harbour area which is to be submitted to and agreed in writing by the Local Planning Authority no later than 6 months from the date of this Planning permission. The approved signs shall be erected at the access, shall be fully implemented before the development is brought into beneficial use and shall thereafter be retained.

Reason: In the interests of highway safety.

10. The developer shall provide a scheme for the provision of 30 cycle parking stands and an integral cycle ramp on the stairs leading from/to the Esplanade which is to be submitted to and approved in writing by the Local Planning Authority no later than 6 months from the date of any consent granted. The stands and ramp shall be provided before the development is brought into beneficial use and retained in perpetuity.

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

11. The site boundary fronting the Marina shall be set back and a 3 metre pedestrian and cycle shared path provided along the frontage, completed in materials as agreed in writing by the Local Planning Authority before the approved development is brought into beneficial use. The shared path shall thereafter be retained in perpetuity.

Reason: In the interests of Pedestrian and Highway safety.

12. Notwithstanding the requirements of Condition 10 above the developer will deliver the Transportation Implementation Strategy detailed in the submitted Transport Assessment by Lime Transport (section 6.1.2 refers) the details of which are to be submitted to and approved in writing by the Local Planning Authority no later than 6 months from the date of this Planning application consent. The measures in table 6.1 shall be implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

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

13. No works shall commence on site until design details, duly certified by a professional Engineer, including full engineering details and structural calculations of the walkway/boulevard affecting the retaining wall abutting the highway have been submitted to and approved in writing by the Local Planning Authority. The retaining wall shall be rebuilt, where required, or constructed in accordance with the approved design and construction details prior to the beneficial use of the development commencing and shall thereafter maintained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

14. The A3 units shall not be brought into beneficial use until details of the design, construction and maintenance of the extraction and odour abatement systems are submitted to and approved in writing by the Local Planning Authority. The details shall accord with the DEFRA Guidance on Control of Odour & Noise From Commercial Kitchen Exhaust Systems. The approved scheme shall be implemented prior to the beneficial use of the development commencing and all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: In the interests of residential amenity.

15. No development or site clearance shall commence until the Local Planning Authority has been informed in writing of the name of a professionally qualified Archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed Archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding heritage assets is preserved by record.

16. Before the beneficial use of the Maritime Centre Building commences, full details of the publicly accessible Changing Place facility hereby approved and directional signage that complies with BS 8300:2009 and guidance contained within the Changing Places Consortium's Practical Guide shall be submitted to and approved by the Local Planning Authority. The Changing Place facility and signs shall thereafter be installed in accordance with the approved plans and retained thereafter in perpetuity.

Reason: To comply with the requirements of paragraph 5.3.7 of Technical Advice Note 12: Design (2016).

17. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development.

18. Prior to the beneficial use of the Maritime Centre complex commencing, full details of the proposed means of illumination of the buildings, performance space and public realm shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

19. The development shall be implemented in accordance with the recommendations and conclusions contained within Section 6 of the Ecological Appraisal & Summary of BREEAM Ecology Credits Report. The proposed Landscape and Habitat Management Plan referred to in recommendations 6.4 and 6.5 of the report shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be implemented in accordance with the approved details.

Reason: To satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. Any topsoil [natural or manufactured] or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning



Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

22. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

23. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

Any scaffolding erected on or adjacent to the highway must be agreed with the Highway Maintenance Manager. The developer should contact the highway maintenance inspector for the area, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

Adequate provision should be made to store all waste material produced and any receptacles to hold it e.g. wheelie bins, fully within the curtilage of the property. The applicant's attention is drawn to the fact that it is an offence under the Highways Act 1980 to obstruct the highway with such objects and that action will be considered to prevent any obstruction.

The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken

affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:

- i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
- ii) indemnify the County Borough Council against any and all claims arising from such works;
- iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.

The delivery parking area shall be defined by thermoplastic paint or a similar alternative.

The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access, parking and manoeuvring areas, although compacted chippings would not be considered acceptable. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of these areas should not be considered as a first option.

The applicant may need to apply to Dwr Cymru/Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" – 7<sup>th</sup> Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

**Background papers**  
Cosy Corner Planning Development Brief (Jan 2016)