

**REFERENCE:** P/16/609/FUL

**APPLICANT:** Valleys to Coast Housing: c/o Asbri Planning, Unit 9 Oak Tree Court, Cardiff Gate Business Park, Cardiff CF23 8RS

**LOCATION:** Land between 47 & 49 Woodland Avenue Porthcawl CF36 5HW

**PROPOSAL:** Demolish existing structures and construct 10 dwellings and associated works

**RECEIVED:** 29 July 2016

**SITE INSPECTED:** 15 November 2016 & 19 December 2018

### APPLICATION/SITE DESCRIPTION

Planning permission is sought for the erection of ten residential units at a plot of land between 47 and 49 Woodlands Avenue, Porthcawl.

The application proposes the replacement of the existing single storey Woodland Hall building/ Porthcawl Scout Hall and open space at the site with 6 two bedroom dwellings and 4 one bedroom flats. Each dwelling would be served by 2 parking spaces and an area of private amenity space and each flat would be served by a single car parking space and a shared area of communal amenity space. The scheme would also provide 2 parking spaces for visitors.

The proposed two storey dwellings would measure 5.4 metres in width by 9.0 metres in depth with a pitched, apex roof design reaching a maximum height of 8.6 metres from ground level. The building accommodating the flat units would also have a traditional two storey appearance with hipped roof design. It would measure 15.2 metres in length by 10.3 metres in depth (including a front porch addition) with a maximum height of 8.6 metres from ground level. The buildings would be finished in a buff and dark buff brick with concrete tile roofs and grey uPVC windows and doors.

**Figure 1 - Proposed Site Layout**



The buildings would be positioned in a linear fashion broadly following the building lines of the existing, adjacent plots. Front garden areas and off street car parking spaces would be created to the front of the plots with four car parking spaces proposed towards the rear of the flat premises. As part of the application an existing bus stop would be repositioned at the front of the site.

Application Number

P/16/609/FUL



Scale 1:2,500

Date Issued:  
19/12/2018

Development-Mapping  
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O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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**Figure 2 - Proposed street scene elevation**



The site currently accommodates a single storey community style building 'Woodland Hall' that accommodates the Porthcawl Scout Group (who have a lease agreement with Valleys to Coast to use the building for Scout activities) and has a footprint of approximately 200 square metres. This building sits on a slightly raised area of land in front of a former block of garage structures that has now been demolished. The large concrete slab remains in place along most of the rear northern boundary of the site. An existing footpath runs along the eastern boundary of the site linking Woodland Avenue with Pant Morfa to the north. Another footway runs diagonally from the north east corner to the front (southern) boundary of the site across a grassed area that makes up the eastern aspect of the site. The surrounding locality is predominantly residential in nature with residential properties situated opposite and flanking the rear and sides of the development site.

**Figure 3 – Photographs of the existing application site**





The Planning history of the site reveals permission was refused in 2016 for a similar scheme to erect residential units on the site. The previous scheme was considered harmful to the visual amenities of the locality (relating to the design of the proposed flat units as illustrated below) and insufficient information was submitted to justify the loss of the community facility. In an attempt to overcome the earlier reasons for refusal the applicant has revised and re-submitted the Planning application, altering the design of the proposed buildings and providing further justification for the loss of the existing building.



Figure 6 – Scheme refused (Ref No. P/15/568/FUL)

The Planning application is supported by a Design and Access Statement, Planning Statement and a Drainage Strategy Report. Supporting letters have also been provided by the applicant's agent that details acceptance from the nearby Gilgal Baptist Church, Woodland Avenue, of the offer made by Valleys to Coast to purchase the leasehold of this premise, as well as confirmation from the Scout Council of their acceptance to relocate to the new premises at Gilgal Baptist Church, subject to maintenance works being carried out on the building that Valleys to Coast are currently tendering for, to meet the Scouts' requirements.

## **RELEVANT HISTORY**

P/15/848/FUL - Demolish existing structures & construct ten dwellings & associated works  
- Refused 04/02/2016.

P/16/851/FUL - Land opposite 5-9 Heol Y Goedwig - Demolition of existing buildings and construction of new community facilities with associated access and landscaping works –  
Withdrawn 13/01/2017.

## **NEGOTIATIONS**

Discussions have been ongoing with the applicant regarding the loss of the Scout Hall facility and the need to provide a suitable alternative location for the existing users of this building. Following lengthy discussions with the applicant, that has involved the consideration of alternative provisions to address this issue, the applicants have resolved and agreed to relocate the Scout Group to the nearby Gilgal Baptist Church.

Design changes to the development have also been negotiated to address highway safety and adequate parking provision at the development site.

## **PLANNING POLICIES**

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013, within which the following Policies are of relevance:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP1</b>	Regeneration-Led Development
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy SP5</b>	Conservation of the Built and Historic Environment
<b>Policy SP12</b>	Housing
<b>Policy SP13</b>	Social and Community Facilities
<b>Policy COM3</b>	Residential Re-Use of a Building or Land
<b>Policy COM7</b>	Protection of Social and Community Facilities
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy ENV15</b>	Waste Management in New Development

### **Supplementary Planning Guidance**

- SPG 02** Householder Development
- SPG 08** Residential Development
- SPG 17** Parking Standards
- SPG 19** Biodiversity and Development

## **National Planning Policy and Guidance**

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application.

Paragraph 1.30 confirms that... *'Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications'*.

*All development decisions...should seek to contribute towards the making of sustainable places and improved well-being.* (Paragraph 2.2 of PPW refers)

*The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.*(Paragraph 2.3 of PPW refers)

*Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.* (Paragraph 2.7 of PPW refers)

*Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development.* (Paragraph 3.51 of PPW refers)

*Planning authorities will need to ensure...through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.*(Paragraph 4.2.22 of PPW refers)

*Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.* (Paragraph 4.2.23 of PPW refers)

*A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.* (Paragraph 4.2.25 refers)

*When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area.* (Paragraph 4.4.2 refers).

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 5 - Nature Conservation and Planning (2009)

Technical Advice Note 12 - Design (2016)

Technical Advice Note 18 - Transport (2007)

## **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act 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.

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The application was also advertised by means of press and site notices.

The period allowed for response to consultations/publicity expired on 11 December 2018 (amended plans and additional information).

### **CONSULTATION RESPONSES**

Welsh Water Developer Services - No objection to the scheme subject to the imposition of conditions/advisory notes regarding the drainage of the development.

Destination & Countryside Management - No objection. The building to be demolished has low potential as a bat roost. Advisory notes are recommended accordingly.

Natural Resources Wales - No objection, although advice should be sought off the in-house ecologist to determine if there is any likelihood of bats being present within the application site.

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

Crime Prevention Design, S.Wales Police - Comment they are generally pleased with the site layout and general advice is provided regarding site layout, landscaping, boundaries, lighting, parking/bicycle stores, utilities, bin storage, door and window security and dwelling identification.

Head of Street Scene (Drainage) - No objection to the scheme subject to the imposition of a condition regarding the drainage of the development.

Porthcawl Town Council - No objection, providing the building to be demolished is no longer required (observations received 09/09/2016). Further comments received on the 14/12/2018 highlighting the scheme should result in extra street lighting and not result in crime spots.

Rights of Way Team - No objection to the planning application. It is highlighted the Definitive Map was checked and it is confirmed no public rights of way are affected or about the area in question.

## **REPRESENTATIONS RECEIVED**

Councillor Brian Jones - Objects to the proposal for the following reasons: over intensification of building, loss of community asset, highway issues and the Scouts Hall is a polling station.

Objections to the planning application have been received from the occupiers/owners of the following properties:

30 Pant Morfa  
34 Pant Morfa  
38 Pant Morfa  
9 Pant Y Dryw  
9 Wren Hollow  
7 Parc-y-Berllan  
10 Parc-y-Berllan  
16 Parc-y-Berllan  
18 Parc-y-Berllan  
21 Parc-y-Berllan  
22 Parc-y-Berllan  
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26 Parc-y-Berllan  
27 Parc-y-Berllan  
29 Parc-y-Berllan  
31 Parc-y-Berllan  
32 Parc-y-Berllan  
33 Parc -y-Berllan  
34 Parc-y-Berllan  
51 Woodland Avenue  
52 Woodland Avenue  
61 Woodland Avenue  
11 Heol Y Goedwig  
19 Neville Road, Porthcawl  
1 Waunlon, Porthcawl  
6 Cypress Gardens, Porthcawl  
10 Long Acre Drive, Porthcawl  
12 Vintin Terrace, Porthcawl  
2 Foxhollows, Brackla

The objections raised are summarised as follows:

### **Inappropriate use of the site**

Additional housing on a small piece of grass area is inappropriate.

### **Loss of Scout Hall Facility**

The removal of the Scout hall adversely affects the facilities available to current residents.

The provision of other community facilities would be more appropriate for the area as opposed to a Scout Hall only.

The Scout Hall is an asset to the community and in regular use.

There are limited facilities for existing residents in the area and introducing further residential properties is not the best use of the land.

The loss of the Scout Hall would be detrimental to the social impact on the area.



The Planning application is considered contrary to Policy SP13 & COM7 of the Bridgend Local Development Plan. Although steps have been taken concerning the loss of the community facility and moves to secure a lease on a new property – The Gilgal Baptist Church – no definite information on completion of the move has been given. Should V2C or the Church pull out of a move, local residents will be without a once existing valuable community facility.

The permission cannot be granted on the pretence that a new community hall will open within the Baptist Church until a contract has been signed and completed amongst the interested parties.

Even with a move to the church, it is a shame that elderly residents would have to travel further to get to the new premises.

A multi-dwelling build over much needed community facilities cannot be supported.

There is little enough for young people to do in the town with the government cuts and demolition of this building will worsen the situation.

There will not be enough health, leisure and educational facilities with the increase in housing in Porthcawl.

The proposed development would decrease amenities in the area

The Scout Hall is also a polling station.

The Scout Hall is used as a youth club during school term and is a community asset that should be supported not demolished.

Unless a replacement building is planned the Scout Hall should not be demolished.

A social facility for young people would clearly be lost – should the Planning application be successful then the groups that attend the facility should be offered alternative accommodation.

### **Loss of Open/Green Space**

The proposed development will eradicate greenspace in the area which currently provides recreational opportunities and makes the area more aesthetically pleasing.

No attempt has been made by the Planning application to justify the loss of the green open space which forms a spatial break between the urban form of the area.

The green area is used by many children as a safe place to play and residents of the area for recreation. There are real benefits open green space brings to our quality of life.

The proposal should not affect the well-used footpaths across the site.

### **Damage to wildlife**

Damage to local urban wildlife in this space would be permanent.

Loss of two mature Ash Trees on site is vital to local birds as part of a green corridor and should be retained.

Bat species use the area and there are slow worms present on the site –additional artificial lighting will not be beneficial to natural habitats and more ecology surveys should be conducted.

### **Over development/over intensification of site.**

Over intensification of housing in the area.

### **Visual Impact**

The proposed development would be detrimental to the existing character of the area and the general levels of visual amenity/green open space.

This insensitive building would be damaging to the area's character.

Current properties on Woodland Avenue are poorly maintained externally by Valleys to

Coast and an additional ten units would clearly be a burden on their maintenance budget.

Local Authority properties in this town are neglected enough and no more should be proposed.

### **Loss of Amenity**

The proposal would overlook and overshadow neighbouring properties.

### **Traffic Congestion and Highway Safety Issues**

The development will cause further parking problems and congestion in the area.

Increased traffic in the area.

Problems for emergency vehicle access.

This is a bus route and is used in the summer by donkeys that have a legal right to use this route.

Commercial vehicles are not permitted to park in Parc Y Berllan.

Parking is already difficult in the area and it is a main bus route.

Parc Y Berllan already has vehicles parked along it from the parents of children attending the nearby Newton Primary School.

There have been several near collisions in the area and further housing development would make the situation even more dangerous.

The development would adversely affect highway safety and the convenience of road users.

Insufficient parking is being proposed for the development.

The new development will result in the loss of previous on-road parking spaces which therefore counteracts any new spaces created, potentially leading to highway safety issues.

The condition of footpaths in the area are horrendous so why create additional footfall.

The site is well served by public transport and any relocation to a new site would result in the loss of convenience, even if it was to be relocated near-by.

### **Footpath narrowing creates crime**

A narrow footpath will be created between Woodlands Avenue and Pant Morfa creating a crime blind spot and is not wide enough for cycling plus pedestrians.

Narrow access behind the plots would create a crime spot and burglary opportunities.

### **The Planning application has not been correctly advertised**

Site notices have not been erected in the locality.

The application has unfairly been submitted during a holiday period when people are away on holidays.

The plans submitted don't detail access routes to the rear of neighbouring properties.

### **Building/Construction Disruption**

The building of the development would produce a significant amount of noise and traffic congestion/pollution.

Construction vehicles and contractors would cause disruption during the build process.

Severe congestion during construction stage.

Damage to the road surface while construction works are being undertaken.

### **Recycling Bin Issues**

People's rubbish bins would need to go somewhere which would inconvenience neighbouring residents.

### **Loss of views**

The proposal would result in loss of views from neighbouring properties.

### **Future use of the site**

If the application is granted then the development could change to a block of flats housing 30 plus families causing greater problems for the area rather than solutions.

If the proposal is granted then existing residents will move out of the area.

The accommodation will be for general use, meaning anyone who qualifies for social housing can apply. The area already has high crime rates and no vetting of residents other than a social needs application form does not offer any security to people's safety.

Perhaps the residents should be over 55.

### **Devalued Property prices**

The affordable housing would cause the devaluation of properties in the area and a reduction of Council Tax should be expected.

In addition to the individual letters of objection received a petition opposing the development has also been submitted that is signed/completed by 18 local residents and states the application will have a detrimental impact on the socio-economic and environmental wellbeing on the close knit community of Woodland Avenue and Parc Y Berllan.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

### **Inappropriate use of the site**

The application site is situated inside the settlement boundary within a predominantly residential locality. Residential premises flank and abut the application site with a residential use considered a compatible and appropriate use of the site.

### **Loss of Scout Hall Facility**

It is fully acknowledged that the proposal would result in the loss of a Scout Hall facility whereas Policies SP13 and COM7 of the LDP seek to prevent the loss of existing social and community facilities unless justified on one of the following grounds (1) a suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site or (2) in the view of the Local Planning Authority the existing facility is no longer required for the current use or any other social and community uses or there is already an excess of such provision in the area.

On the evidence of the objections raised against the application the existing hall facility is required for its current use that primarily relates to the provision of accommodation for the operation of a Scout Group at the site. On this basis and subject to considerable negotiation and discussions the applicant/developer (Valleys to Coast Housing) has sought to provide a suitable alternative location for users of the existing facility.

An application was originally submitted to erect a new community facility (ref.no. P/16/851/FUL refers) on land opposite 5-9 Heol Y Goedwig which was subsequently withdrawn by the applicant in light of local opposition, highway safety concerns and the fact that the site was outside the settlement boundary and unlikely to be supported by the Local Planning Authority. Other alternative arrangements have also been explored and considered although it has now been agreed between the Scout Group and Valleys to Coast that the Scouts will relocate to the nearby Gilgal Baptist Church, Woodland Avenue which would also be improved to meet the needs of the Scout Group. The operation of the Scout Group from this alternative building (D1 Planning use would not require Planning permission) and the undertaking of a Legal Agreement to ensure the Gilgal Baptist Church is made available for the Scout Group prior to works commencing on the development site, ensures the requirements of Policies SP13 and COM7 of the LDP are met.

### **Loss of open /green space**

The Planning application would result in the loss of a grassed area adjacent to the building to be demolished. This, however, is a relatively small area of land that does not significantly contribute to the character and distinctiveness of this predominantly residential area. There are larger more prominent and positive open spaces within close proximity to the application site and, when considering the merits of the application that would result in ten residential units being created at the site, on balance, the loss of the green space is not considered to be a justified reason to warrant the refusal of the Planning application in this instance. It is also noted a footpath crosses the site although this is not a recognised or identified right of way with a footpath being retained towards the east of the site linking Woodland Avenue and Pant Morfa.

### **Damage to wildlife**

The application site is situated within an urban area and comprises an existing flat roofed, single storey building, hardstanding areas and a relatively small grassed area. Following consultation with the Council's Countryside Management Officer (Ecologist) and Natural Resources Wales, no objections have been raised against the Planning application. It is, therefore, considered that, given the characteristics of the site and comments raised by the relevant consultees in this regard, the scheme does not raise such harmful wildlife or ecology concerns to warrant a recommendation to refuse the Planning application.

### **Over development/overintensification of site**

The submitted plans and information that accompanied the Planning application indicate the development can be accommodated on the site without leading to over development. Each plot would be served with appropriate car parking and amenity provision, with the layout of the development being generally considered in keeping with the layout of adjacent residential plots in the area. The scheme would therefore not result in the overdevelopment of the site.

### **Visual Impact**

The design of the proposed dwellings and the flat accommodation is considered sympathetic with the existing residential properties within closest proximity to the development site. The proposed buildings would incorporate traditional two storey designs with pitched roofs and brick facades. Visual spaces would be retained between the semi-detached properties in line with the character of nearby properties with the building lines and heights of adjacent plots also being replicated for the development proposal. The existing building has no significant visual merits and contributes little to the overall visual qualities of the area. Whilst some open space will be lost as a result of the development, it is considered that, overall, the scheme would have no substantial adverse impact on the existing character and appearance of the locality.

It is considered that concerns raised with regard to future maintenance requirements and the upkeep of the properties are not justified or material Planning matters that would warrant a recommendation to refuse the Planning application.

### **Loss of Amenity**

The development proposal would allow appropriate offsets and distances between windows to ensure the scheme has no overshadowing or overlooking impact. The scheme is considered to comply with Policy SP2 of the LDP and Supplementary Planning Guidance 02 Householder Development with regard to amenity protection, as further highlighted in the Appraisal Section of this report.

### **Traffic Congestion and Highway Safety Issues**

Following careful consideration of the Planning application and the comments raised by the local residents, the Council's Highway Authority has raised no objections against the Planning application. The highway safety issues raised by the development are further addressed in the Appraisal Section of this report.

### **Footpath Narrowing Creates crime**

The Planning application proposes the retention of the walkway/path in between Woodland Avenue and Pant Morfa which is already established at the site. No objections to the scheme have been raised by the Highway Authority or the Police's Secure by Design Officer with the proposal not raising such significant concerns in this regard to warrant a recommendation to refuse the application.

### **The Planning application has not been correctly advertised**

The Planning application has been advertised in excess of the requirements of The Town and Country Planning (Development Management Procedure) Wales Order 2012 (as amended) to allow the application to be appropriately assessed and determined. Neighbour notification letters, a site notice and a press notice have all been used to advertise the Planning application in accordance with legislation requirements.

### **Building/Construction disruption**

Inevitably a development so close to existing residential properties is going to result in some inconvenience and general noise and disturbance during the construction period. Nevertheless, this is not a valid reason to justify the refusal of the Planning application with such disturbance being of a temporary nature.

### **Recycling Bin Issues**

Each proposed residential unit would benefit from sufficient amenity space to store their recycling/rubbish bins that would then be presented on collection day in a similar manner to existing properties in the locality. A designated/shared bin collection area for the flat premises would also be created to the front of these units.

### **Loss of Views**

Loss of views is not a material Planning consideration.

### **Future use of the site**

The Planning application must be judged on its current Planning merits and any future use of the site for a differing or alternative proposal would need to be judged at that stage should such a scheme (for a block of flats) come forward. The status and characteristics of the future tenants of the proposed residential units is also not a material Planning consideration.

### **Devalued property prices.**

Loss of property value is not a material Planning consideration.

### **APPRAISAL**

The application is referred to the Development Control Committee to consider the objections raised by local residents and local member.

The application seeks full Planning permission for the demolition of the Woodland Hall building Woodland Avenue, Porthcawl and the erection of 10 residential units in the form of six x 2 bedroom semi-detached properties and four x 1 bedroom flat units.

The key issues to consider in the determination of this application are the principle of the development, the loss of the existing community facility and the impact of the development on the visual amenities of the existing locality, neighbouring properties, highway safety, land drainage and ecology.

#### Principle of the Development

The application site is located within the designated settlement boundary of Porthcawl as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP). Policy COM3 Residential Re-Use of a Building or Land supports the re-use of land within the urban area for small-scale residential development where no other LDP Policy protects the building or land for an existing or alternative use. It is fully acknowledged that the proposal would result in the loss of an existing community facility that is primarily used by Porthcawl Scout Group as confirmed by the applicant who details the premises are leased by Valleys to Coast to the Scout Group for their purposes only. The building and associated land subject of their application are owned by the applicant, Valleys to Coast.

The application seeks consent to develop a site which currently accommodates a community building which is used by local organisations, including the Scouts, for residential purposes. Based on the level of observations received it is apparent that the facility is currently widely used and is, therefore, afforded protection by LDP Policies SP13 and COM7.

Policy SP13 of the LDP states that, in order to maintain and improve the quality of life of residents, community buildings will be retained or enhanced. In the interest of improved service provision, all proposals for new or replacement social and community facilities should demonstrate that every reasonable attempt has been made to consider the co-location with another social and community facility before a stand alone facility is considered.

Policy COM7 of the LDP seeks to prevent the loss of existing social and community facilities and development will not be permitted unless justified on one of the following grounds:

1. A suitable alternative location is available and a facility of equivalent community benefit is provided by the developer on or off the site; or
2. In the view of the Local Planning Authority the existing facility is no longer required for the current use or any other social and community uses or there is already an excess of such provision in the area.

Paragraph 6.2.4 of the LDP clarifies that the policy aims to protect all existing social and community facilities that provide a valuable role in their communities against development which would result in their loss and have an adverse impact on the community within which they are intended to serve.

Previously, a similar application to develop the site for residential purposes (P/15/848/FUL refers) failed to provide adequate justification for the proposed loss of the community facility, however, the applicant has sought to address this issue by exploring and securing suitable alternative accommodation in close proximity to the site for the existing facility, including the associated Scout Group, to relocate.

A Planning application was originally submitted to erect a new community building (P/16/851/FUL refers) on land opposite 5 – 9 Heol Y Goedwig, Porthcawl which was subsequently withdrawn by the applicant in light of local opposition, highway safety concerns and the fact that the site was outside the settlement boundary. Other alternative arrangements have also been explored and considered although it has now been agreed between the Scout Group and Valleys to Coast Housing Association that the Scouts would relocate to the nearby Gilgal Baptist Church, Woodland Avenue that would also be improved and upgraded to meet the needs of the Scout Group. Policy SP13 supports the co-location of social and community facilities within buildings with the relocation of the key users of the existing facility (The Scout Group) to the Gilgal Baptist Church being considered an appropriate and justified suitable form of alternative accommodation that meets the requirements of local Planning policy.

The operation of the Scout Group from the Gilgal Baptist Church Hall (D1 Planning use) would not require Planning permission and subject to a Legal Agreement to ensure the Gilgal Baptist Church Hall is made available for the Scout Group prior to works commencing on the development site, the Planning application is considered to meet the requirements of Policies SP13 and COM7 of the LDP.

In summary, it is considered that the demolition of the community building and the relocation of its principal users to a nearby, improved facility, would not result in such undue harm to the amenities of the surrounding community so as to warrant refusal of the Planning application. Furthermore, residential properties surround the site and the use of the existing plot for residential purposes represents a sustainable and compatible use of the site. The proposed residential use of the site is therefore acceptable in principle.

### Visual Impact

The application proposes the construction of ten residential units of a traditional two-storey building design comprising three pairs of semi-detached properties and a single detached building which houses the four proposed flat units.

The layout of the properties has been designed to carry the existing building line along Woodland Avenue, linking and infilling the existing space and replacing the existing, relatively poorly designed, community building. Woodland Avenue is largely comprised of semi-detached dwellings finished with a mixture of hipped and pitched, apex roofs. Directly opposite the application site is a more modern development of brick built detached dwellings. The existing building has a flat roof and does not add to the character of the area.

The design of the proposed buildings is considered to be traditional in style and generally in keeping with the local area. The loss of the existing flat roof structure raises no significant visual amenity concerns with the proposed development representing a visually compatible scheme that would not appear so out of character with the locality so as to be detrimental to the wider visual amenities of the area. Nevertheless, it is considered necessary to impose conditions to agree final external finishes and boundary treatments for the development as this would ensure that the residential development on the site would be successfully assimilated with its surroundings, without unreasonable adverse effect on the visual amenities of the area.

In comparison to the refused scheme at the site (P/15/848/FUL refers) the design of the detached building accommodating the flat units has been amended to overcome the visual concerns with the development. The scheme also results in the loss of a grassed green area, however, given that this is a relatively small area and the design of the proposed units this is not considered a reason to warrant a recommendation to refuse the Planning application.

Accordingly, it is considered the proposed development accords with Policy SP2 of the Bridgend LDP in terms of safeguarding visual amenities.

### Impact on neighbouring residential amenity

Having regard to the submitted layout plan, including the size of the site (approx. 0.2 Ha) and the density and scale of the dwellings, it is considered that the site is capable of accommodating ten units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy.

It is acknowledged residential properties adjoin the north of the application site, although being situated in a relatively densely formed built up area there is already a degree of inter-visibility and mutual overlooking occurring between dwellings in the locality. The proposed dwellings, however, have been relatively well designed and positioned within the development plot so as not to adversely overlook or adversely overshadow the nearest neighbouring dwellings.

The proposed development has been designed to ensure that there is a minimum distance of 23 metres between existing and proposed habitable room windows and a distance of 13 metres between first floor windows and existing property boundaries. As such, the proposal would not result in an infringement on privacy standards.

In terms of the impact of the development by overshadowing and dominance, the proposed buildings will be located a sufficient distance from the properties to the rear,



eastern and western boundaries so as to ensure that no adverse overshadowing or dominance will occur.

Overall, the scheme is considered to accord with the requirements of SPG 02 Householder Development with regard to amenity protection given the site context and the appropriate design and layout of the dwelling buildings in this instance.

### Highway Safety

The Group Manager Transportation and Engineering (Highways) has considered the proposal and raised no objections, subject to conditions.

It is noted that the applicant has provided revised drawings which detail off-street parking to meet the parking standards in SPG17. As a result it is considered that the development has adequate off-street parking to ensure that the development would not result in additional on-street parking along Woodland Avenue.

In addition, the application has indicated that each plot will be bounded by 900mm railings (to the front) and the site will be bounded by 1800mm high fencing (to the rear) however, to ensure that the railings and fence do not restrict the vision splays for cars emerging from each property or the access road to the rear parking, a condition is recommended for a detailed scheme of boundary treatment to be submitted and agreed by the Local Planning Authority.

It is also noted that the applicant needs to relocate the bus shelter fronting the site to accommodate the driveway for Plot 9. As such, it is requested by means of Planning condition that the applicant submits a scheme showing the bus shelter removal, white lining, the provision of high access kerbs to serve the new bus shelter, the provision of a double front entry bus shelter in RAL 5013 and relocation of the bus stop flag with litter bin.

Finally, a condition is also recommended to ensure that all access roads and driveways serving the development are constructed in permanent materials.

On the basis of the Highway Officer's comments, it is considered that the development proposal can be satisfactorily accommodated on the site without raising any adverse parking or highway safety concerns.

### Land Drainage

On the basis of the comments received from the various drainage bodies in regard to the proposal, the scheme is considered acceptable subject to the use of standard drainage conditions.

### Ecology

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

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and

within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.”

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

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

Given the characteristics of the application site and nature of the development proposal in this instance, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. The Council's Ecologist has considered the proposal and raises no objections against the Planning application. It is commented that the application involves the demolition of a building that is in the vicinity of suitable bat habitats and there are records of bats in the area, however, features such as the flat roof, its exposed location, metal walls and, adjacent street lighting reduces the likelihood of the building being used by bats and, having weighed up these factors, it is considered that the building has a low potential to act as a roost. It is, therefore, not reasonable to request additional surveys in respect of protected species. Advisory notes are, however, recommended should Planning permission be granted for the development. It is further acknowledged that Natural Resources Wales have raised no objections to the Planning application.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

#### Section 106 Legal Contributions

Policy SP14 of the LDP requires applicants to provide Planning obligations or contributions if they are deemed necessary to offset any negative consequence of development.

As a proposal for ten residential units the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that the scheme will be 100% affordable which is welcomed, however, in order to safeguard compliance with the LDP in perpetuity, the affordable housing target of 30% for Porthcawl should be secured by means of a Section 106 Agreement.

Policy COM11 of the LDP requires the provision of 2.4ha of open space per 1,000 people from all residential developments. BCBC's Open Space Audit (2017) indicates a deficit in provision of outdoor sport facilities and equipped play space in this location and the following amount of open space is required:

- A development of ten units would lead to an estimated development population of 23 (based on an average 2.34 people per house).

- The total amount of outdoor recreation space required should consist of approximately 368sqm of outdoor sport and 184sqm of Children's Play Space.
- The proposed development does not include provision on-site.
- The alternative is to provide equivalent value to the above standards in financial contributions.

The Parks and Playing Pitches Manager has advised that onsite provision is not required as there are existing facilities nearby. As such a contribution towards the further enhancement of the recreation space at Heol Y Goedwig should therefore be secured through a planning obligation. This should equate to a total of £8,510 (£470 per dwelling (6 houses) for outdoor use and £569 per unit (10 units) for children's play space).

As a proposal for six houses (excluding the 1 bedroom flats) the application triggers the threshold of SPG:16 Educational Facilities and Residential Development. However, capacity exists to cater for the 1 pupil that would be generated by the proposal and there is therefore no justification for seeking a financial contribution towards education.

## **CONCLUSION**

Having regard to the above, the proposal is recommended for approval because the development complies with Council policy and guidelines. Full regard has been given to the fact a community facility that primarily serves the Porthcawl Scout Group would be lost as a result of the scheme, however, given that an alternative location has now been negotiated and agreed with the developer, the principle of the development can be supported. Furthermore, it is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the determination of the application, however, it is considered that, on balance, they do not outweigh the other material considerations in favour of the development, with the proposal representing an appropriate and compatible form of infill residential development within settlement limits that would provide much needed affordable housing in Porthcawl.

## **RECOMMENDATION**

(A) The applicant enter into a Section 106 Agreement to:-

- ensure the Woodland Hall/Scout Hall is not demolished and no development is commenced until the Local Planning Authority has received and acknowledged a copy of the legal documents showing that Gilgal Hall has been acquired by Valleys to Coast and leased to the Scouts and written evidence that the Scouts have physically relocated to Gilgal Hall.
- provide 30% of the residential units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG).
- provide a financial contribution for the sum of £8,510 towards the further enhancement of the recreation space at Heol Y Goedwig, Porthcawl.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement subject to the following conditions:-

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

and documents:

Proposed Site Plan Draw. No. 5031/P/11 REV L received 20 November 2018

Proposed street scene Draw. No. 5031/P/75 REV G received 20 November 2018

Proposed ground floor plan plots 1 & 2 Draw. No. 5031/P/20 REV D received 20 November 2018

Proposed first floor plan plots 3 & 4 Draw. No. 5031/P/21 REV D received 20 November 2018

Proposed ground floor plans plots 5 - 6 Draw. No. 5031/P/22 REV C received 20 November 2018

Proposed first floor plans plots 5 - 6 Draw. No. 5031/P/23 REV C received 20 November 2018

Proposed ground floor plans plots 7 - 8 Draw. No. 5031/P/24 REV C received 20 November 2018

Proposed first floor plans plot 7 - 8 Draw. No. 5031/P/25 REV C received 20 November 2018

Proposed ground floor plans plots 9 - 10 Draw. No. 5031/P/26 REV C received 20 November 2018

Proposed first floor plans plots 9 - 10 Draw. No. 5031/P/27 REV C received 20 November 2018

Proposed elevations plots 1 - 4 Draw. No. 5031/P/70 REV F received 20 November 2018

Proposed elevations plots 5 & 6 Draw. No. 5031/P/71 REV F received 20 November 2018

Proposed elevations plots 7 & 8 Draw. No. 5031/P/72 REV F received 20 November 2018

Proposed elevations plots 9 & 10 Draw. No. 5031/P/73 REV F received 20 November 2018

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

2. Notwithstanding the requirements of condition 1, 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 buildings 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. Notwithstanding the requirements of condition 1, 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: In the interests of highway safety and to ensure that the general amenities of the area are protected.

4. Notwithstanding the requirements of condition 1, 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 the beneficial use of any of the dwellings commencing.

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

that flood risk is not increased.

5. No development shall commence until a scheme for the provision of a new bus shelter, high access kerbs, white lining and relocated bus stop flag has been submitted to and approved in writing by the Local Planning Authority. The revised bus stop shall be implemented before any part of the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of promoting sustainable transport.

6. The parking area and access lane shall be completed in permanent materials with the individual parking spaces clearly demarcated in permanent materials for the flats and visitor spaces in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway and pedestrian safety.

7. 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 and timing of HGV construction traffic to/from the site in order to avoid school opening and closing times
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- 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 along Woodland Avenue.

Reason: In the interests of highway and pedestrian safety.

8. Demolition or construction works shall not take place outside the hours of 0800 hrs to 1800 hrs Mondays to Fridays and 0800 hrs to 1300 hrs on Saturdays and at no time on Sundays or Public Holidays.

Reason: To protect the residential amenities of neighbouring occupiers.

9. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay of the site frontage at any time.

Reason: In the interests of highway and pedestrian safety.

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy, highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

b. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

c. 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"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

d. The applicant is also advised that some public sewers and lateral drains may not be recorded on the 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 should contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

e. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.

f. Any topsoil [natural or manufactured] or subsoil to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

g. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

h. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however, the responsibility for the safe development and secure occupancy of the site rests with the developer.

i. The applicant is reminded of their legal requirement to consider wildlife on their development site. Further information on wildlife and development can be found in the Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach that is available to view on the Planning pages of the Council's website.

j. Consideration should 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. The incorporation of bat bricks, bat tiles and bat boxes in the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development.

k. It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

l. 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.

m. 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.

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

**Background Papers**  
None