

REFERENCE: P/18/954/RLX

APPLICANT: Mr Ward Jones c/o John Matthews , 47 Anglesey Way, Porthcawl, CF36 3RP

LOCATION: Land at Moor Lane Porthcawl CF36 3EJ

PROPOSAL: Vary condition 1 of P/17/554/RLX to amend the height of the chalet units from 3.05m to 5m.

RECEIVED: 3 December 2018

APPLICATION/SITE DESCRIPTION

The application seeks to vary the wording of Condition 1 attached to consent P/17/554/RLX in respect of the change of use of land for the provision of high quality self-catering mobile wooden chalet tourist accommodation units and supporting facilities. The condition, the subject of this application states:-

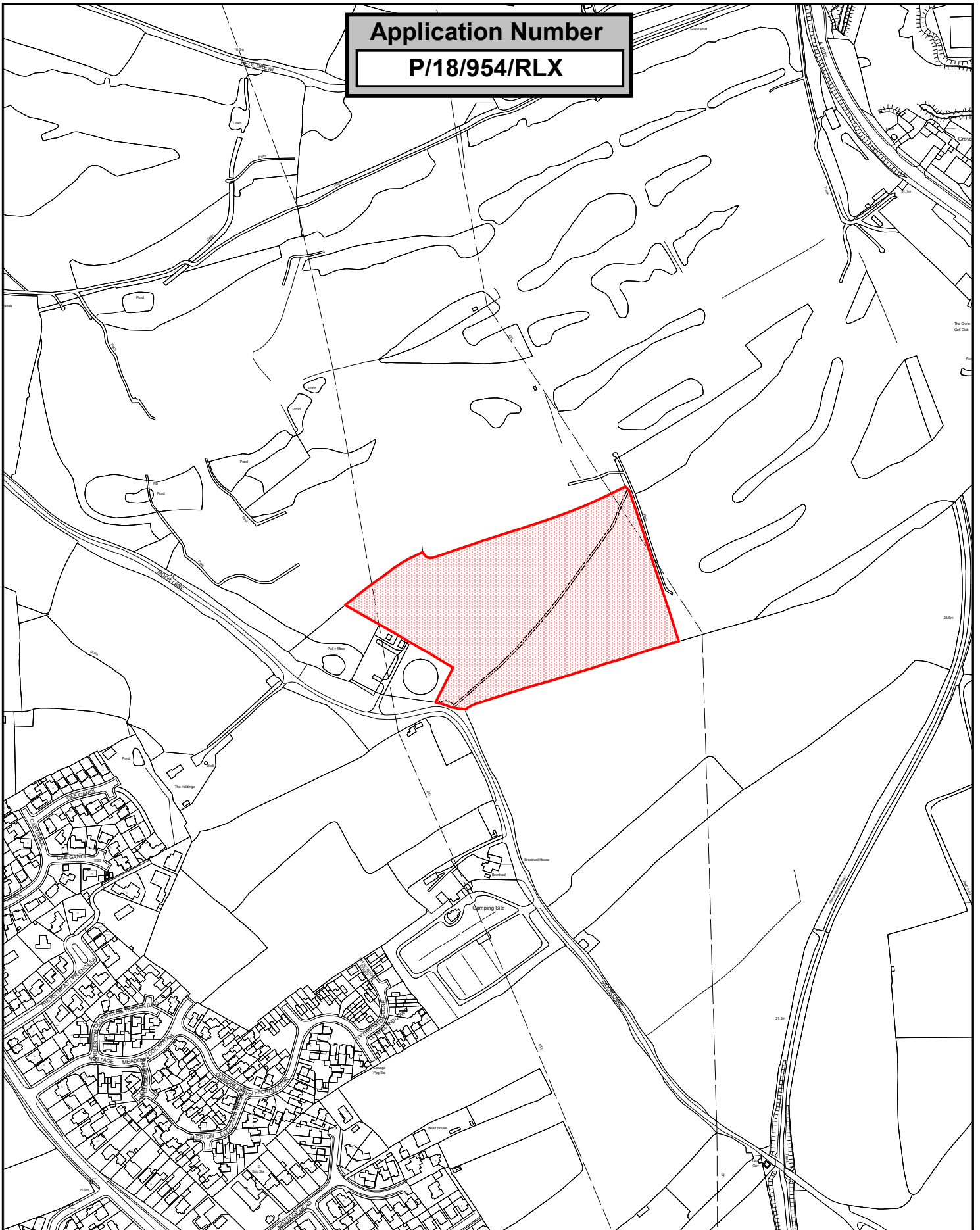
The consent hereby approved shall be limited to the siting of 56 timber chalet accommodation units, which shall be mobile, not fixed to the ground and fall within the definition of a caravan under the Caravan Site and Control of Development Act, 1960 (As Amended) with any individual unit not exceeding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

The condition was imposed for the avoidance of doubt as to the extent of the development permitted and to protect the safety and free flow of traffic on the surrounding highway network.

Members may note that there is a reference to the relaxation of Condition 2 and the occupancy of the chalets on the application form but this application relates solely to the relaxation of Condition 1 and the appearance and size of the chalets as confirmed by the agent. In October, 2018 the applicant submitted details to discharge the pre-commencement conditions attached to the above mentioned 2017 planning permission (P/17/554/RLX refers) and, to address Condition 19, provided details of the siting and design of the proposed wooden chalets within each of the plots and plans of the siting, design and layout of the Service Centre Block, including samples or detailed specifications of the materials to be used in the construction of the external surfaces of the chalets and buildings. In considering the details submitted to address the requirements of Condition 19, it became evident that it was proposed to layout the site in accordance with the previously approved layout.

Application Number

P/18/954/RLX



Scale 1:5,000

**Date Issued:
06/02/2019**

**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

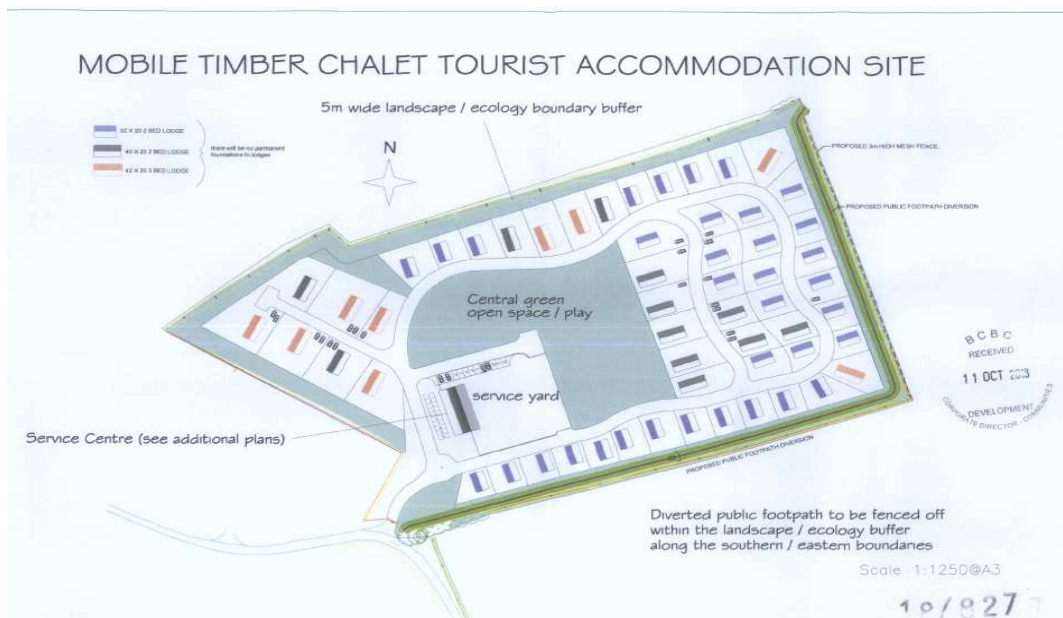
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The above layout confirms that there will be a combination of 3 bed units, 2 bed units and smaller 2 bed units, which will all be of standard timber construction. Closer examination of the details of the proposed units revealed that the smaller 2 bed units would measure 9.754m long by 6.096m wide with a pitched roof reaching 3.5m in height above the floor level but, in not fixing the units to the ground, by way of foundations, in order to comply with the requirement of Condition 1 of the consent, the units will be set on piers or stanchions which result in the overall height of the units reaching approximately 4.2m above ground level. Therefore, the actual height of the chalet will only be 45cm higher than the approved details, mainly due to the shallow pitched roof design which is arguably more acceptable in design terms and would be more in keeping within the semi rural location.



Details of Smaller 2 Bedroom Units

Similarly, the larger 2 bedroom lodge units will measure 12.192m long by 6.096m wide and again the ridge of the pitched roof reaches 3.5m above internal floor levels but 4.2m overall height above ground level.



Details of 2 Bedroom Lodge units

In respect of the 3 bedroom units, these are slightly larger with a footprint measuring 12.802m in length and 6.096m in width but the ridge height above the internal floor level and the overall height above ground level will be identical to both the 2 bedroom units.

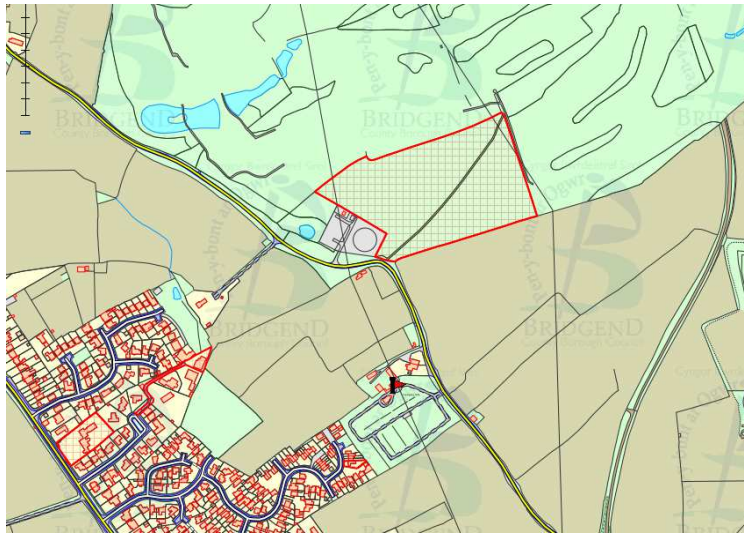


Details of 3 Bedroom Units

It is therefore apparent that in providing quality timber cabins, the proposed units, which incorporate pitched roofs, marginally exceed the 3.05m height identified in the definition of a caravan and in order to comply with the requirement that the units are not fixed to the ground, the overall height above ground levels is further increased.

Members will recall that the application site is a roughly rectangular area of land on the northern side of Moor Lane adjoining the north eastern and eastern boundaries of the former Gas Holder Compound. The site extends to approximately 3.8 hectares of land, which is currently rough grassland. Footpath 12 runs diagonally from a point in the south eastern corner of the site, adjacent to the access point onto Moor Lane, to the north eastern corner before continuing in a north easterly direction until it meets the A4229. The Grove Golf Course adjoins the northern and eastern site boundaries with agricultural land

laying to the south.



OS Map Extract showing site location cross hatched

RELEVANT HISTORY

P/16/497/FUL - Change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation & supporting facilities – Conditional consent 13/04/17

P/17/554/RLX – Variation of Condition 2 of P/16/497/FUL relating to occupancy of chalets – Conditional consent – 16/03/18

P/18/827/DOC – Details to Discharge Conds 8-15,19,20,24,25 & 26 of P/17/554/RLX – Not Yet Determined.

PUBLICITY

The period allowed for response to consultations/publicity expired on 28 December 2018.

CONSULTATION RESPONSES

Porthcawl Town Council - Objects to the relaxation of condition 1 of P/17/554/RLX as the proposal would significantly alter the visual amenity if raised to 5m. The previous observations for the 2017 application also remain.

REPRESENTATIONS RECEIVED

None

COMMENTS ON REPRESENTATIONS RECEIVED

For clarity Members are advised that in respect of the original grant of planning permission for the use of the land for tourist accommodation Porthcawl Town Council stated:-

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

- Detrimental to highway use, significant increase/impact on highways will affect Nottage Walk, walkers, cyclists and horses accessing the area.
- Access is on a sharp bend.

- The number of chalets proposed is excessive and would ask that the number is reduced.
- Development should not become residential.

In further comments received during the processing of that submission, the objection was maintained on the grounds of:-

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

Subsequently with regard to the application to vary Condition 2 relating to the occupation of the units, the Town Council objected for the following reasons:-Restrictions need to be imposed on the length of time visitors can occupy this holiday accommodation and suggest two months out of six months duration.

Members also queried whether this is a Conservation Area.

Although the Town Council has requested that these observations in respect of the 2016 and 2017 application are reconsidered, it is considered that as they relate to the principle of the development and the control of the occupation of the approved units, these comments are not relevant to the current submission.

With regard to the concern that allowing the height limit to be increased will adversely impact on the visual amenities of the area, this will be considered within the Appraisal.

APPRAISAL

The application is referred to Committee to consider the objection raised by the Town Council in respect of the impact the relaxation of the height limit of the timber chalet units will have on the visual amenities of the area.

As indicated in the description of development, the application is seeking to vary Condition 1 attached to consent P/17/554/RLX to increase the height limit of the approved tourist chalets from 3.05m, specified within the condition, to 5m in height. The description of development explains the background to the submission, clarifying that the timber chalet units proposed to be sited on the land include pitched roofs reaching an overall height of 4.2m, which incorporates a 700mm gap between the land level and the floor level of the unit to satisfy another element of the condition requiring the units not being fixed to the ground.

The condition sought to avoid doubt as to the extent of the permission as well as protecting the safety and free flow of traffic on the surrounding highway network. On the basis that details of the units to be sited on the land have now been provided, it is considered that there would no longer be any doubt about the extent of the permission. In the event that the Authority is minded to agree the variation of the condition, it is considered appropriate to limit the permission to relate solely to the detail of the chalet units submitted in respect of the discharge of Condition 19 of the consent.

With regard to the concern in respect of a potential adverse impact on the visual amenities of the area raised by the Town Council, it is highlighted that, due to the chalets being set well back from Moor Lane with the area either side of the vehicular access into the site landscaped, the chalets will not be readily visible from the highway. Whilst it is acknowledged that the diverted footpath runs along the southern and eastern boundaries of the site, a mature hedge partially screens the chalets from public view. The developer

will also erect a 3m high mesh fence on the eastern side of the footpath to protect users from the adjoining Golf Course and it is considered that this will further screen the development site from this perspective. A landscape/ecology buffer running along the northern site boundary will similarly screen views into the site from the Golf Course. Notwithstanding the objections raised by the Town Council, therefore, it is considered that the impact on the visual amenities of the area resulting from the increase in height of the units from 3.05m to a maximum of 4.2m will not be so significant as to warrant refusal for this reason.



Aerial Photograph showing boundary hedges

CONCLUSION

This application is recommended for approval because the principle of the tourism development has already been accepted and it is considered that variation of the condition to allow installation of the timber chalets, details of which have been provided to satisfy the requirements of Condition 19, provides sufficient certainty as to the extent of the permission

RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

1. The consent hereby approved shall be limited to the siting of 56 timber chalet accommodation units, which shall be mobile, not fixed to the ground laid out in accordance with the 1:1250 scale Site Plan received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC and in accordance with the 1:100 scale plans of the 3 bed, 2 bed and smaller 2 bed timber units received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC together with the 1 :200 scale plan of the Service Centre Building received on 11th October, 2018 and submitted as part of the discharge of

condition application P/18/827/DOC.

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

2. The timber chalet units shall be used for holiday accommodation only and for no other purpose including any other purpose in Class C3 of the Schedule to 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 with or without modification.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

3. This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 42 days between April and September (inclusive) and 42 days between October and March (inclusive).

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

4. An up to date register shall be kept at the holiday accommodation hereby permitted from first beneficial occupation of the holiday accommodation and the register shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their dates of arrival at and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

5. Within one month of any change of operator/ownership of either the site (or any part thereof) or of any individual chalet unit on the site, the Local Planning Authority shall be advised by the operator or the owners of any individual chalet in writing of such change including the name and home address of the new owner.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

6. A statutory declaration shall be submitted by each or any owner of the site (or any part thereof) or of any individual unit on the site to the Local Planning Authority not later than 31st January annually in each successive year stating that the chalets have not been used for permanent residential accommodation.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

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

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

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Method Statement shall be adhered to throughout the site clearance and construction period. The Statement shall provide for:
 - I. the routing of HGV construction traffic to/from the site in order to avoid the village of Nottage
 - II. specify the type and number of vehicles used during construction;
 - III. the parking of vehicles of site operatives and visitors;
 - IV. loading and unloading of plant and materials;
 - V. storage of plant and materials used in constructing the development;
 - VI. details of how and where the assembly of the wooden chalets will take place and the programming of such works;
 - VII. wheel washing facilities;
 - VIII. measures to control the emission of dust and dirt during construction;
 - IX. the provision of temporary traffic and pedestrian management along the agreed construction route.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway and pedestrian safety.

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

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

14. No development shall commence until a Traffic & Delivery Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. All guest arrivals and departures and servicing and delivery vehicles movements to the site shall be made in accordance with the agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

15. No development shall commence until a scheme for the provision of off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

- *Appropriate pollution prevention to Moor Lane Pond SINC;
- *Bat sensitive light design;
- *Method Statement for vegetation clearance in respect of birds, reptiles and amphibians;
- *Eradication strategy for Japanese Knotweed.

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

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

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

development and that floor risk is not increased.

26. Prior to the diversion of Footpath 12 along the eastern and northern boundaries of the site, a scheme for a catch ball fence a minimum of 3m in height shall be submitted to and agreed in writing with the Local Planning Authority. The agreed fencing shall thereafter be implemented prior to the diverted footpath being opened to public use and shall be retained and regularly maintained in perpetuity.

Reason: In the interests of the safety and wellbeing of users of the diverted Public Rights of Way.

27. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

a. This application is recommended for approval because the principle of the tourism development has already been accepted and it is considered that variation of the condition to allow installation of the timber chalets, details of which have been provided to satisfy the requirements of Condition 19 provides sufficient certainty as to the extent of the permission.

b. The site owner will require a Site Licence under the Caravan and Control of Development Act 1960.

c. Permission will be required to divert Footpath 12 Porthcawl.

d. No surface water is allowed to discharge to the public highway.

e. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.

f. In order to satisfy the drainage condition the following supplementary information will be required:-

- (i). Details of infiltration tests to confirm the acceptability of any proposed infiltration system;
- (ii). Design calculations, storm period and intensity, the method employed to delay and control the surface water discharge from the site;
- (iii). Details of measures to prevent any surface water discharge polluting any receiving ground water and/or surface water system;
- (iv). Timetable for implementation
- (v). Maintenance and management plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

g. The Traffic and Delivery Management Plan required to address Condition 14 will need to contain sufficient information in respect of the following:-

- (i). Guest arrival and departure arrangements (directions to the site and timing of those movements);
- (ii). Guest arrival and departures of the adjacent Brodawl Caravan Park;
- (iii). Proposed Delivery Schedules;
- (iv). Proposed Delivery Vehicle/Service Vehicles sizes;
- (v). Supporting swept path diagrams; and
- (vi). The need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority.

JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES

Background papers
None