

**REFERENCE:** P/21/926/RLX

**APPLICANT:** Mr G Marchesi-James: 45 South Road, Porthcawl CF36 3DG

**LOCATION:** 45 South Road, Porthcawl CF36 3DG

**PROPOSAL:** Variation of conditions 6, 7 & 8 of P/20/894/FUL to allow submission and agreement of details prior to beneficial occupation

**RECEIVED:** 1 October 2021

**SITE INSPECTED:** 21 October 2021

### **DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DESCRIPTION**

This application seeks to vary Conditions 6, 7 and 8 of P/20/894/FUL for the property known as 45 South Road, Porthcawl.

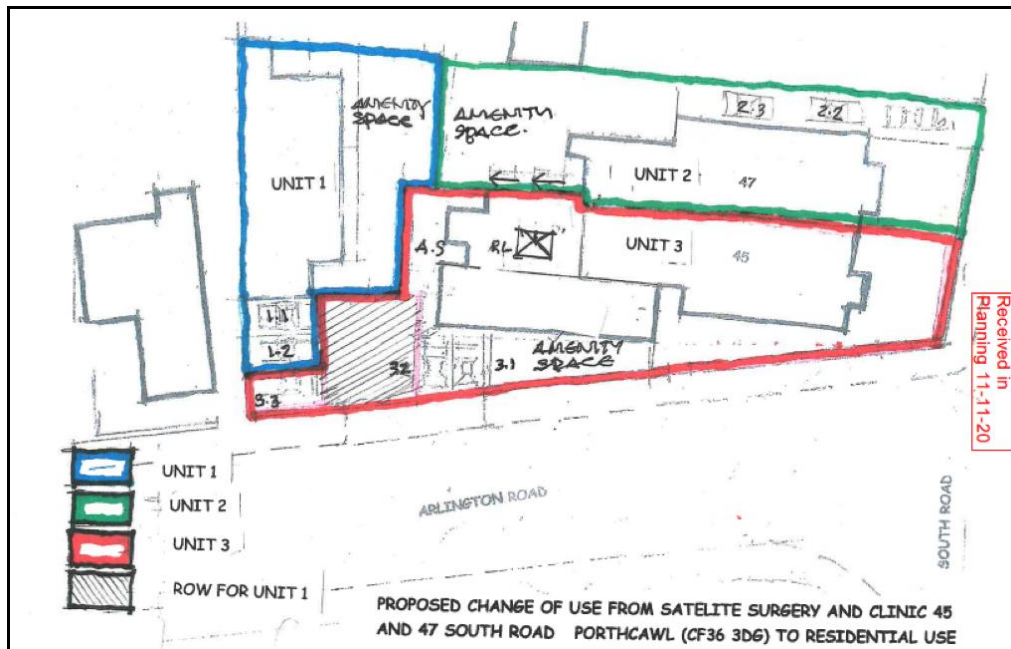
The application site is located within the Main Settlement of Porthcawl as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It forms part of a pair of three storey semi-detached dwellings which were previously converted and used as a doctor's surgery (together with a two storey outbuilding/annex previously used as a Mother and Baby Clinic positioned to the rear of the properties (west)).

The principal elevation of the property which faces the east has a traditional appearance with stone elevations and a slate roof, as shown below. The rear of the property has painted render elevations.



*Existing Front Elevation (South Road)*

The application site has recently been the subject of a Planning application for the change the use of the existing doctor's surgery together with its detached Mother and Baby Clinic (Use Class D1) to three independent residential units (Use Class C3) under Planning application reference P/20/894/FUL. Planning permission was granted on 6 January 2021 and the subdivision of the application site as approved is demonstrated below:



**Site Layout Plan Approved under P/20/894/FUL**

Since Planning permission was granted, each individual unit identified above has been sold separately and is now under the control of three different land owners.

The application now under consideration refers to the property known as 45 South Road (Unit 3 in the drawing extract above). The Planning permission allowed for the conversion of the property to residential use which comprised a lounge, dining room and kitchen/living room at ground floor level with two bedrooms, an office area and a bathroom at first floor level and two rooms of unspecified use at second floor level. The rooms of unspecified use at second floor level are presumed to serve as additional bedrooms.

The single storey extension at the rear of number 45 was proposed to comprise a porch, study, lounge, kitchen/dining room, bathroom and bedroom at ground floor level with access externally via existing access points on the eastern and western elevations of the extension. It is now understood that the intention of the land owner is to demolish the single storey extension to provide a larger private amenity space to the rear of the property.

The property known as number 45 is accessed from an existing vehicular access point on the southern boundary of the application site adjacent to Arlington Road and has a separate pedestrian access point off South Road to the front of the property.

The site is within an established residential area where properties are predominantly two to three storeys and semi-detached of varying design and finishes, as shown below:



**Google Street View Image**

Works to implement Planning permission reference P/20/894/FUL on 45 South Road have begun on site and the Authority considers that the works are unauthorised, as they have been undertaken in contravention of the pre-commencement conditions imposed upon the original Planning Consent.

This application therefore seeks to vary Conditions 6, 7 and 8 of P/20/894/FUL through the submission of the relevant details to regularise the development which is the subject of this application.

## RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/97/1063/FUL	Construction of reception porch and porch to mother and child unit (outbuilding)	Unconditional Consent	27/01/1998
P/19/43/FUL	Change of Use of doctor's surgery into 8 self-contained flats and conversion of the existing pre-natal clinic to garage at ground floor and 1 self-contained flat at first floor	Withdrawn	25/06/2019
P/20/272/FUL	Change of use from doctor's surgery and annex (Use Class D1) to 5 residential units with parking (Use Class C3)	Withdrawn	21/07/2020
P/20/894/FUL	Change use from doctors surgery and annex (Use Class D1) to residential use with parking (Use Class C3)	Conditional Consent	06/01/2021

## CONSULTATION RESPONSES

CONSULTEE	COMMENTS
<b>Town Council</b> 17 November 2021	No objections.

<b>Transportation Officer (Highways)</b> 5 November 2021	No objection subject to the implementation of the recommended conditions.
---	---

## REPRESENTATIONS RECEIVED

The application has been advertised on site. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 17 November 2021.

A total of three objections have been received from the occupiers of the neighbouring properties known as 53 South Road, 3 Arlington Road and 4 Arlington Road, Porthcawl. The grounds of objection are summarised below:

- Parking Arrangements  
Concerns relate to the off-street parking provision and the demolition of the boundary wall along the southern boundary of the site adjacent to Arlington Road. A request is put forward for the boundary wall to be rebuilt to protect pedestrians and to stop the occupiers of the dwelling from parking across the pavement.

- Retrospective Consent  
Objectors raise concern that the applicant has sought to regularise the unauthorised development retrospectively and has not been penalised for undertaking works without consent.
- Ecology/Biodiversity  
It is claimed that the applicants have removed hedge and shrubbery from around the property which has destroyed habitat for wildlife
- Caravan  
Concern is raised that the owners of 45 South Road are residing within the caravan which is currently parked at the property, pending completion of the conversion of the property and there is no consent to occupy a caravan from the site.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Factors to be taken into account in making Planning decisions must be Planning matters, that is, they must be relevant to the proposed development and use of land in the public interest. The matters raised in the objections received are addressed below:

- Parking Arrangements  
The matters raised which relate to off-street parking are addressed in the appraisal section of the report.
- Retrospective Consent  
Whilst it is acknowledged works have commenced on site without first discharging the pre-commencement Planning conditions, this cannot be considered as a reason for the refusal of this application. The Planning system is intended to remedy the effects of the breach of Planning control if possible and any enforcement action should be commensurate with the breach of Planning control to which it relates. The intention of the applicant in this case is to remedy the breach of Planning control and this is considered to be the correct approach so the Authority will consider the proposal against the relevant Policies and supplementary Planning guidance and the acceptability of the overall scheme will be assessed on its own merits. This matter will not be addressed further in the appraisal section of the report.
- Ecology/Biodiversity  
This is not relevant to the determination of this application and will not be considered further.
- Caravan  
The use of the caravan is permitted by virtue of Class A, Part 4 of The Town and Country Planning (General Permitted Development) 1995 on a temporary basis in connection with and for the duration of operations being carried out on, in, under or over that land or land adjoining that land. Given this, the objections raised which relate to the occupation of a caravan are not considered further in the determination of this application.

## **RELEVANT POLICIES**

### **Local Policies**

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013 and within which the following Policies and supplementary Planning guidance are relevant:

**Policy PLA1** Settlement Hierarchy and Urban Management

<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards
<b>Policy ENV6</b>	Nature Conservation
<b>Policy SP12</b>	Housing
<b>Policy COM3</b>	Residential Re-Use of a Building or Land

<b>Supplementary Planning Guidance 02</b>	Householder Development
<b>Supplementary Planning Guidance 08</b>	Residential Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity and Development

### **National Policies**

In the determination of a Planning application regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

### **Future Wales – The National Plan 2040**

#### **Planning Policy Wales Edition 11**

#### **Planning Policy Wales TAN 12**

Design

#### **Planning Policy Wales TAN 18**

Transport

#### **Planning Policy Wales TAN 23**

Economic Development

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations 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 well-being goals/objectives as a result of the proposed development.

### **THE SOCIO ECONOMIC DUTY**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

### **APPRAISAL**

This application is referred to the Development Control Committee to consider the objections received from neighbouring properties.

The key considerations in the determination of this application are whether the details submitted in support of Conditions 6, 7 and 8 of P/20/894/FUL are acceptable to be formally discharged.

### **Condition 6**

Condition 6 of P/20/894/FUL refers to boundary treatments and states the following:

*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 and retained in perpetuity.*

*Reason: In the interests of privacy and residential amenities.*

In support of this application, drawing number 2128-P02 received on 1 October 2021 shows that the existing facing brick wall with stone coping along the eastern boundary and the facing brick wall with concrete coping along the southern boundary will be retained. The feather edge fencing which denotes the property boundary along the northern and western site boundaries is also proposed to be retained at a height of 1.8 metres, as shown in the photographs below:



***Existing Feather Edge Fencing Installed along property boundary***

The wall along the southern boundary of the site along Arlington Road adjacent to the proposed car parking space in the south western-most corner of the application site is also proposed to be removed.

The retention of the existing facing brick boundary treatments is welcomed and will retain the appearance of the site when viewed from South Road and the corner between South Road and Arlington Road.

The installation of 1.8 metre high feather edge fencing which denotes the northern and western site boundaries is not considered to detract from the character of the area given that this is a typical boundary feature found within residential areas. Whilst the feather edge fencing is visible from public vantage points, it is not considered to be so detrimental to the character and appearance of the area to warrant a refusal of the application on such grounds and is therefore considered to be acceptable.

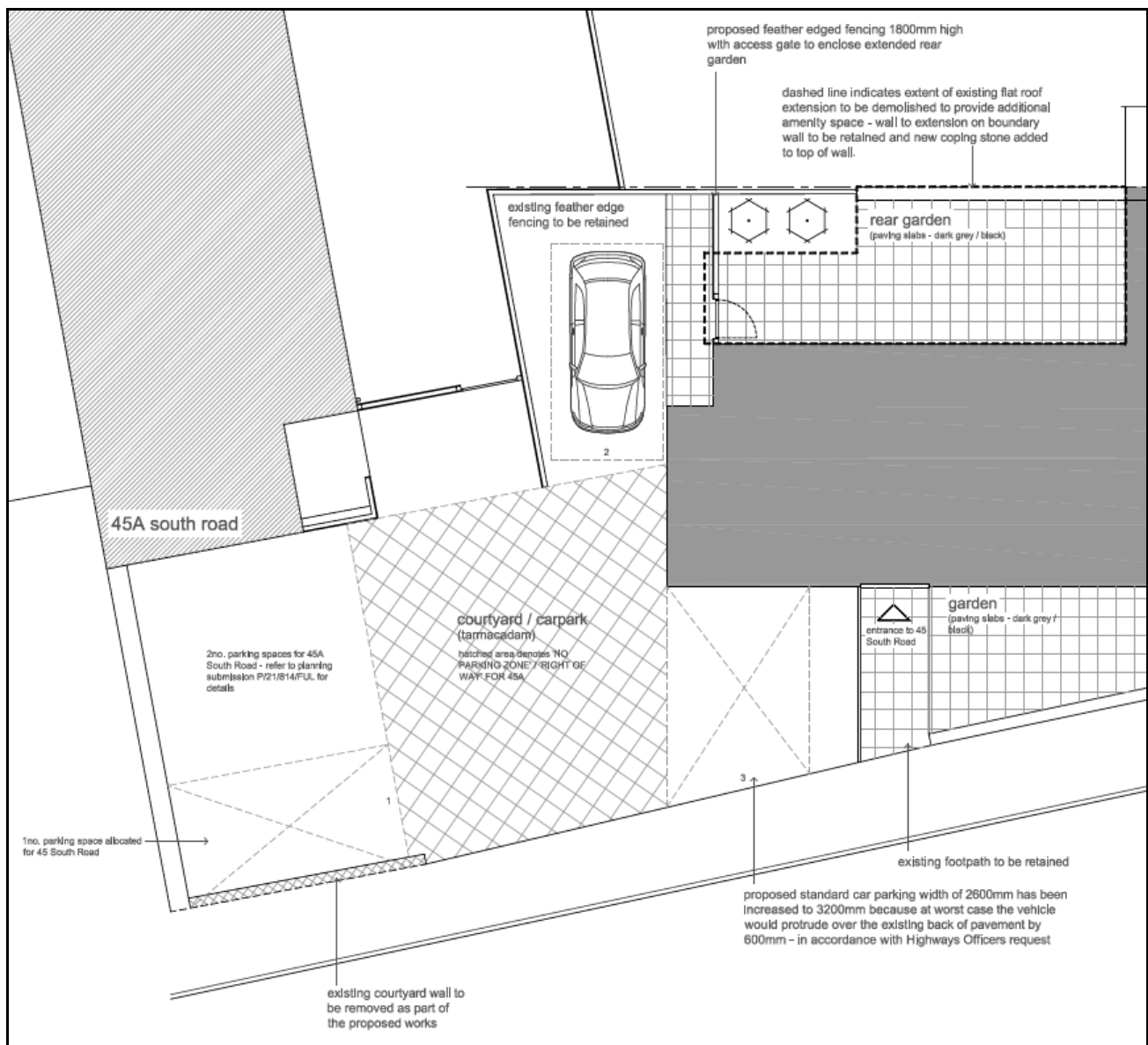
The information submitted is considered sufficient to vary the Planning condition to ensure the boundary treatments are retained in accordance with the detail provided. The condition will therefore be reworded.

## Condition 7

This condition relates to off-street car parking provision and requires the submission of a scheme for the provision of 8 off-street parking spaces (for the whole site) prior to the commencement of development. The condition reads as follows:

*No development shall commence until a scheme for the provision of 8 off-street parking spaces has been submitted to and approved in writing by the Local Planning Authority. The parking areas as agreed shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.  
Reason: In the interests of highway safety.*

The condition was imposed to ensure sufficient off-street car parking provision was provided. In consideration of the scheme under Planning application reference P/20/894/FUL, the conversion of Unit 3 (45 South Road) required three off-street car parking spaces to accord with the guidance contained within Supplementary Planning Guidance note 17 Parking Standards (SPG17). In support of this application a total of three off-street car parking spaces are provided for the property known as 45 South Road, Porthcawl, as shown below:



**Extract of Site Plan submitted under P/21/926/RLX**

The Transportation Officer considers that the parking scheme submitted for the property known as 45 South Road is sufficient and is acceptable in highway safety terms. The condition is capable of being reworded provided that it is reimposed for the properties referred to under Planning permission reference P/20/894/FUL as Unit 1 and Unit 2.

### **Condition 8**

Condition 8 also refers to highway safety and requires the submission of a scheme detailing the boundary treatment along Arlington Road and South Road to ensure the vision splays are sufficient. As noted above, the facing brick wall with concrete coping along the southern boundary will be retained and the existing courtyard wall in the adjacent to the proposed car parking space in the south western-most corner of the application site is to be removed.

The Transportation Officer considers this arrangement to be acceptable and as such the condition is considered to be capable rewording provided that it is reimposed for the properties referred to under Planning permission reference P/20/894/FUL as Unit 2.

### **CONCLUSION**

Having regard to the above and notwithstanding the comments received from the neighbours, on balance, the proposed variation of Conditions 6, 7 and 8 of Planning permission reference P/20/894/FUL is considered to be acceptable and the application is therefore recommended for approval. All other conditions are to be re-applied to this consent.

### **RECOMMENDATION**

(R53) That permission is GRANTED subject to the following changes:

#### **Condition 1**

The development shall be carried out in accordance with the following drawings:

- Site Location Plan received on 11 November 2020;
- Site Layout Plan 4547:03:02 received on 11 November 2020;
- GF Plan of Nos 45/47 South Road 4547:03:05 received on 11 November 2020;
- FF&SF Plans of Nos 45/47 South Road 4547:03:07 Rev A received on 18 December 2020;
- Plans and Elevations of Annexe as Proposed 4547:03:09 Rev B received on 18 December 2020;
- Site Plan Proposed (45 South Road) 218-P02 Rev A received on 18 October 2021.

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

#### **Condition 2**

Notwithstanding Condition 1, a scheme for the provision of a 1.8 metre high privacy screen along the northern and western elevations of the balcony hereby approved at first floor level and serving the property known as 47 South Road, Porthcawl, shall be submitted to and agreed in writing by the Local Planning Authority. The balcony shall be installed in accordance with the details agreed prior to the occupation of the balcony and retained in perpetuity.

Reason: In the interests of residential amenities.

#### **Condition 3**

Notwithstanding the development hereby approved, the annex which serves Unit 3 (45 South Road, Porthcawl) as shown on drawing number 4547:03:05 received on 11



November 2020 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 45 South Road, Porthcawl.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retain effective control over the use of the property.

**Condition 4**

The annex which serves Unit 3 (45 South Road, Porthcawl) as shown on drawing number 4547:03:05 received on 11 November 2020 shall be used only for purposes incidental to the enjoyment of the dwellinghouse and for no other purpose whatsoever including the carrying out of trade or business.

Reason: To safeguard the character and amenity of the area.

**Condition 5**

The external fire escape, platform and staircase at first and second floor levels serving Unit 2 (47 South Road, Porthcawl) shall be used solely for the purpose of an emergency fire escape and at no time shall be used for general amenity purposes.

Reason: In the interest of residential amenities.

**Condition 6**

Prior to beneficial occupation, a plan indicating the positions, design, materials and type of boundary treatment to be erected to serve Unit 1 (45a South Road) and Unit 2 (47 South Road) and a timetable for its implementation shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable and retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

**Condition 7**

Prior to beneficial occupation, a scheme for the provision of 6 off-street car parking spaces to serve Unit 1 (45a South Road) and Unit 2 (47 South Road) shall be submitted to and approved in writing by the Local Planning Authority. The parking areas as agreed shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

**Condition 8**

The parking area to serve Unit 3 (45 South Road), as shown on drawing number 218-PO2 Rev A, received on 18 October 2021, shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and thereafter retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

**Condition 9**

The boundary treatment for Unit 3 (45 South Road), as shown on drawing number 218-PO2 Rev A, received on 18 October 2021, shall be implemented prior to the development being brought into beneficial use and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

**Condition 10**

No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of the site frontage on Arlington Road and South Road at any time.

Reason: In the interests of highway and pedestrian safety.

**Condition 11**

Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenities.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background papers**

None