

REFERENCE: P/22/385/RLX
APPLICANT: Mr S & Mrs D Wiseman 2 Sandymeers, Porthcawl, CF36 5LP
LOCATION: 2 Sandymeers Porthcawl CF36 5LP
PROPOSAL: Remove condition 2 (use) of P/20/498/RLX
RECEIVED: 26 May 2022
SITE INSPECTED: 25 July 2022

APPLICATION/SITE DESCRIPTION

The application seeks to remove condition 2 of P/20/498/RLX to allow for non-ancillary living.

The application site forms part of 2 Sandymeers's external garage. Planning consent was originally granted under reference P/19/712/FUL and was subsequently renewed under P/20/498/RLX for the development of an ancillary annex on the site.



Fig. 1 - The Application Site

The proposal also seeks the creation of a front garden amenity space for the annex measuring approximately 7.35 metres wide and 2 metres in length as well as the widening of the current crossover by a further 1.5 metres.

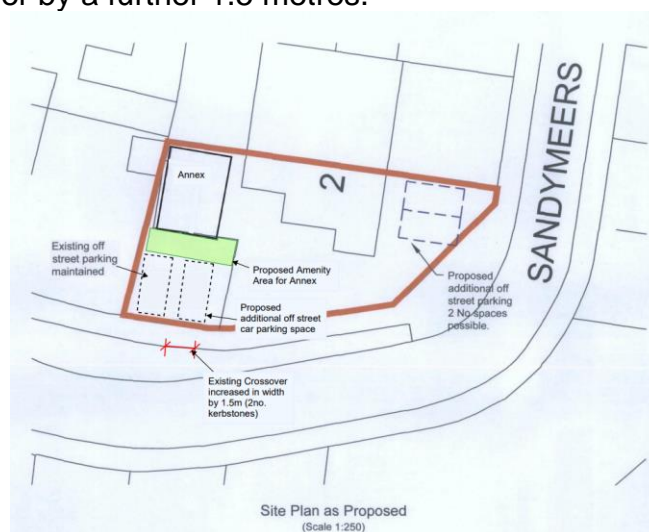


Fig. 2 - Site layout plan showing parking for 2 Sandymeers/Annexe and proposed amenity area for Annex

RELEVANT HISTORY

Application ref.	Description	Decision	Date
P/20/498/RLX	Remove condition 3 of P/19/712/FUL (drainage) by the provision of details and vary condition 1 due to insertion of a window	Conditional Consent	14/12/2020
P/19/712/FUL	Removal of existing garage and construction of a new self-contained annex for the purpose of accommodating disabled family member	Conditional Consent	04/12/2019

PUBLICITY

Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 4 July 2022.

CONSULTATION RESPONSES

Porthcawl Town Council – No objections

Dwr Cymru Welsh Water – No comments

Land Drainage – No objection to the removal of the condition as the drainage details have previously been agreed as part of the previous planning application.

Transportation Officer (Highways) – No objection subject to conditions regarding parking, access, and vision splays.

REPRESENTATIONS RECEIVED

The Owner/Occupier 1 Sandymeers Objection

- *Proposed change of use is not suitable for the area*

The Owner/Occupier 3 Sandymeers Objection

- *Overbearing*
- *Significant impact to neighbour amenities*
- *Noise*
- *Potential Anti-social behaviour*
- *Disturbance of the cul-de-sac*
- *Potential loss of security*
- *Increased disruption (traffic)*
- *Inadequate off-street parking*
- *The change of use would fundamentally be inappropriate for the area*

The Owner/Occupier 20 Sandymeers Objection

- *Increased traffic unacceptable*
- *Causes a nuisance for residents*
- *Annex was never used for original purpose*

The Owner/Occupier 21 Sandymeers Objection

- *Annex is not being used for its original purpose*
- *Increased traffic is detrimental to neighbours*
- *Noise and nuisance*

The Owner/Occupier 22 Sandymeers Objection

- *Have not complied with the original planning permission*
- *Impact to parking has been significant, especially due to increased off site parking done by owner of 2 Sandymeers*
- *Area is not suitable for a holiday letting*
- *Having a shared rear garden space is not suitable for a holiday letting even if they were allowed it*

The Owner/Occupier 23 Sandymeers Objection

- *Significant impact to residential amenity of neighbours*
- *Noise*
- *Potential anti-social behaviour*
- *Disturbance of the cul-de-sac*
- *Potential loss of security*
- *Increased disruption (traffic)*
- *Inadequate off-street parking*
- *The change of use would fundamentally be inappropriate for the area*

RESPONSE TO REPRESENTATIONS RECEIVED

The proposed relaxation of the condition is to allow the use of the annexe as a holiday let as the family member has moved into care. Therefore, it is in the same use class as normal residential accommodation and lies within the settlement boundary and can be assessed against Local Development Plan policies SP2 and SP11 and as such the principle of development is acceptable.

Any impacts on residential amenity and privacy (including overbearing), parking (both on street and off street) and the potential increase in traffic are addressed in the report.

The shared garden in the original proposal has been modified to show a private front garden space for the future occupiers of the holiday let and any other impacts on neighbouring residential amenity are addressed in the report.

Allegations that the annexe has already been used for non-ancillary purposes are acknowledged and this application seeks to regularise the matter. The Enforcement Officer is aware of the situation and conditions will be applied to ensure that the annexe will not be occupied on a long term basis as a standard rental property.

Noise nuisance, potential anti-social behaviour, disturbance of a cul-de-sac, potential loss of security are not considered material planning considerations and as such will not form part of any decision. These are issues that can and should be addressed through other legislation although it is considered that the use is in keeping with the residential area and Porthcawl is identified as a strategically important resort in Policy SP11 (Tourism).

RELEVANT POLICIES

The relevant Policies of the Local Development Plan and Supplementary Planning Guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP11	Tourism
Policy PLA11	Parking Standards

Supplementary Planning Guidance Note 02
Supplementary Planning Guidance Note 08

Householder Development
Residential Development

In the determination of a Planning application regard should also be given to the local 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 13 – Tourism****Planning Policy Wales TAN 15 – Development and Flood Risk****Welsh Government Circular – The Use of Planning Conditions for Development Management****Well-being of Future Generations 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 comprising 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

The application is referred to Committee for determination in view of the number of objections from local residents.

The application seeks to remove condition 2 of P/20/498/RLX to enable more flexible use of the current ancillary use to 2 Sandymeers as tourist accommodation.

The removal of this condition would therefore create a separate entity that would be non-ancillary to the original dwelling, 2 Sandymeers, and will be considered as such.

Principle of Development

The application site lies within the settlement boundary for Porthcawl as designated by Policy PLA1 of the Bridgend Local Development Plan 2013.

The Bridgend County Borough Council Local Development Plan's Strategic Policy 11 on Tourism states:

Appropriate tourism developments which promote high quality accommodation, upgrade facilities, promote sustainable and activity based tourism, business, events and cultural tourism, will be permitted.

Tourism development linked to regeneration initiatives will be promoted at:

- *The strategically important resort of Porthcawl;*
- *Maesteg and the Llynfi Valley by means of enhanced cycling and mountain biking routes and at the destination hub of Caerau;*
- *Bryngarw Country Park;*
- *The Ogmore Valley, at the destination hubs of Nantymoel and Blackmill;*
- *The Garw Valley, at the destination hubs of Blaengarw, Llangeinor and Pontycymmer.*

The location of the proposed site is considered within the town centre area as per the Local Development Plan boundaries and within easy walking distance to Coney Beach, Sandy Bay and the town centre of Porthcawl (as described in the Planning Statement by the agent of the applicant).



Fig. 3 - Location of site in relation to town centre and other tourism locations

The Planning Officer's site visit also confirmed that there are adequate facilities for it to be a separate entity that could be used for tourist accommodation for one or two persons.

In order to monitor the use of the accommodation as a holiday let, a condition has been attached to the recommendation to require that the owner/occupier of 2 Sandymeers keeps a record of all visitors who stay at the annex. This is to ensure that it is being used as short-term tourist accommodation rather than as a rental property. A condition is also attached to ensure that the annex cannot be sold off separately from 2 Sandymeers.

The principle of development therefore is considered to be acceptable.

Impact on Residential Amenity

In the interests of the amenities of original host dwelling, 2 Sandymeers, the side window that is facing into the private garden of 2 Sandymeers will be conditioned to be obscurely glazed (to Pilkington level 3 obscurity) and to be a non-opening window. In effect, the current window will need to be replaced in order to preserve the adjoining occupier's privacy as it is an opening window and looks over their private amenity space.



Fig. 4 - Side window to be conditioned to be obscurely glazed and non-opening

Other windows are not considered to have any impact on residential amenity due to their siting and location as they are obscurely glazed and screened by features such as boundary treatments and an adjoining garage. However, the rear (north) window serving the bedroom shall be fitted with obscure glazing via the imposition of a condition to preserve the amenities of future occupiers of this holiday let as well as the rear garden area of 3, Sandymeers. The holiday let benefits from a large south facing window at the front of the property and rooflights which will ensure that the unit will receive a sufficient level of natural light.

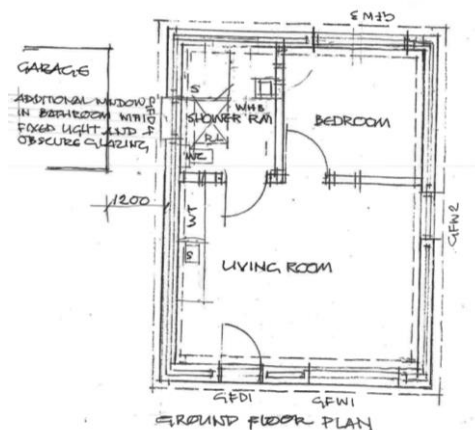


Fig. 5 – Approved and Retained Ground Floor Plan

It is also considered that the annex itself is not overbearing to any other property in the area due to its single storey nature, pitched roof, limited overall height and general appearance as a large converted garage.

Therefore, the proposed development would not cause significant impact on neighbouring residential amenity.

Impact on Highway Safety and Parking

The proposed development would introduce more traffic and will increase the demand for parking when compared to an ancillary annexe.

The original dwelling had three parking spaces approved with the previous application. Due to the increased use on site, it is considered that another parking space should be provided on the site to allow this annex to be used for tourist accommodation.

Two car spaces have been approved to the front (east) of the dwelling of 2 Sandymeers with the other one space needed for the main host dwelling to be located to the side of the allocated parking space to serve the tourist accommodation on the current driveway. The two parking spaces to the front of the property will be conditioned to be implemented before the annexe can be used as tourist accommodation.

The existing driveway and drop kerb will also be widened to allow for good access onto the drive/parking courtyard and suitable visibility. On balance, it is considered that the proposed parking arrangements are acceptable and the final scheme will be the subject of a condition. The provision will ensure that there is sufficient off-street parking to serve the holiday let unit and the main house without impacting the free flow of traffic along the cul-de-sac.



Fig. 6 - The existing driveway to be widened

It is acknowledged that the drop kerb is currently shared with that of the rear drive of 1 Sandymeers and its extension will in essence create a three vehicle-wide driveway however, on balance, it is considered that whilst this is not best practice, as it is located on a small cul-de-sac that is not as busy as a regular through road, it is acceptable in this instance.

In view of the above, on balance the proposed development will not cause significant impact to highway safety in or around the site and accords with Policy SP2 of the LDP and advice contained with SPG17 – Parking Standards.

CONCLUSION

Having regard to the above, the objections raised by neighbouring occupiers and advice contained in the Bridgend County Borough Council Local Development Plan, and the Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, it is considered that on balance the development is acceptable and complies with Council policy and guidelines and together with the implementation of conditions, there are no reasons to justify a refusal.

The development does not have an unacceptable impact on the character of the existing

property or the street scene or on the neighbouring residential amenities and does not adversely affect ecology or highway safety. Accordingly, the condition can be removed subject to the implementation of other conditions.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: For the avoidance of doubt as to the date of implementation.

2. The development shall be carried out in accordance with the following approved plans:
 - Site Location Plan received 18 September 2019 (P/19/712/FUL refers),
 - Drawing No. AL (0) 05 – Proposed Drainage Plan received 8 October 2019 (P/19/712/FUL refers)
 - Drawing No. AL (0) 03 – Proposed Plans received 24 October 2019 (P/19/712/FUL refers)
 - Drawing No. AL (0) 04 REV. A - Proposed Elevations received 24 October 2019 Drainage details received on 15 July 2020 (P/19/712/FUL refers)
 - Amended Floor Plans and Side Elevation received 18 September 2020 (P/20/498/RLX refers)
 - Additional drainage information received 22 October 2020 (P/20/498/RLX refers)
 - Drawing No RP01 Rev B – Proposed Amenity Space received 15 August 2022

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

3. The building shall be used for holiday accommodation 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). The holiday let shall be occupied for holiday accommodation only and shall not be occupied as a person's or persons' sole or main place of residence and shall not be occupied by any person or persons for a period of more than 28 days in any 12 month period. An up-to-date register shall be kept at the holiday accommodation hereby permitted and 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 date of arrival and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the unit and to prevent the holiday accommodation being used as permanent residential accommodation which would be detrimental to the residential amenities of the area and contrary to Policy SP2 of the Bridgend Local Development Plan.

4. The building hereby permitted to be used for holiday accommodation shall remain tied to the residential dwelling known as 2 Sandymeers and shall not be sold or separated as an independent residential unit at any time.

Reason: For the avoidance of doubt as to the extent of the permission granted and to ensure that the Local Planning Authority retains effective control over the use of the building in the interests of protecting the amenities of the area and in the interests of

highway safety.

5. The window located in the rear elevation of the building hereby approved shall be fitted with obscure glazing to a minimum of Level 5 on the Pilkington of obscurity prior to the beneficial occupation of the building as a holiday let and thereafter retained in perpetuity.

Reason: To protect the privacy and residential amenities of the neighbouring property to the north, 3 Sandymeers.

6. The window located in the side elevation of the building hereby approved shall be fixed pane and fitted with obscure glazing to a minimum of Level 5 on the Pilkington of obscurity prior to the beneficial use of the building for holiday accommodation commencing and thereafter retained in perpetuity.

Reason: To protect the privacy and residential amenities of the neighbouring property to the east, 2 Sandymeers.

7. No development shall commence until a scheme for the provision of 4 (number) off street parking spaces (1 for the holiday let and 3 for the parent dwelling), a widened crossover (by an extra 1.5 metres) and amenity space (as shown on Drawing No RP01 Rev B - Proposed Amenity Space received 15 August 2022), has been submitted to and approved in writing by the Local Planning Authority. The parking area, widened crossover and amenity space shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking and outdoor amenity space purposes in perpetuity.

Reason: In the interests of highway, pedestrian safety, and residential amenity.

8. 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 and pedestrian safety.

9. **** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS ****
 - a. Having regard to the above, the objections raised by neighbouring occupiers and advice contained in the Bridgend County Borough Council Local Development Plan, and the Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management, it is considered that on balance the development is acceptable and complies with Council policy and guidelines and together with the implementation of conditions, there are no reasons to justify a refusal.

The development does not have an unacceptable impact on the character of the existing property or the street scene or on the neighbouring residential amenities and does not adversely affect ecology or highway safety. Accordingly, the condition can be removed subject to the implementation of other conditions.

- b. No surface water is allowed to discharge to the public highway.
- c. No land drainage run off will be permitted to discharge either directly or indirectly into the public sewerage system.
- d. Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. You should contact the Highway Maintenance Inspector for the area, Bridgend County

Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

- e. The applicant 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 Highway Network Manager, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None