

REFERENCE: P/25/20/FUL

APPLICANT: Codi Group

LOCATION: Former Fulgoni's restaurant, 83 John Street, Porthcawl, CF36 3AY

PROPOSAL: Demolition of the buildings at the former Fulgoni's restaurant and redevelopment of the site to form a five-storey landmark building containing 43no. affordable apartments, a commercial/community space and adjusted access and associated works, including substation

RECEIVED: 28 January 2025

UPDATE SINCE DC COMMITTEE MEETING OF 11 JUNE 2026

The Application and original Recommendation were considered by the Development Control Committee on 11 June 2026.

The original Application report recommended that consent be granted for a four to five-storey building containing 43no. affordable apartments subject to a Section 106 Legal Agreement and conditions.

Notwithstanding the above, and after deliberation, Members voted against the Recommendation to Grant the Application by seven (7) votes to six (6).

The skeleton reasons for refusal put forward by the Lead Member (Cllr. Ian Spiller) were as follows:

- Overbearing height, scale and massing in the streetscene
- Under provision of parking
- Impact on the Conservation Area

A further reason regarding the "Consistency of information – images and height data" was also considered as a potential supplementary reason but Members decided not to proceed with it.

Therefore, Members of the Development Control Committee were minded to refuse the application and, in accordance with the agreed planning protocol for dealing with applications where the Committee is minded to refuse an application that was recommended for approval, consideration of the Application was deferred to this meeting so that reasons for refusal could be properly formulated and considered.

Article 24 (1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) states that when a local planning authority gives notice of a decision or determination on an application for planning permission or the application is refused, the notice must—

(a) state clearly and precisely the full reasons for the refusal or for any condition imposed specifying all policies and proposals in the development plan which are relevant to the decision.

Section 11 of the Planning Code of Practice clearly states that:

"If Members are minded to make a decision contrary to the Officer's recommendation the application should be referred to the next meeting of the Committee to enable officers to advise Members further. Where a Member proposes a recommendation contrary to the

Officer's recommendation then the proposer should set out clearly the material Planning reasons for doing so. The Chairperson will ensure that the Officer is given the opportunity to explain the implications of the contrary decision before a vote is taken."

The Planning Code of Practice goes on to state that: "Where Members of the DC Committee are minded to take a decision against the Officer's recommendation, so that consideration of that matter is deferred to the next meeting of the Committee, Members will receive a further report from Officers upon the strengths and weaknesses of any proposed or possible Planning reasons for such a decision. In cases where Members overturn an Officer's recommendation for approval, the reasons for this will be drafted and reported back to Members at the next Development Control meeting."

Paragraph 9.6.17 of the Welsh Government's Development Management Manual also advises that: "Where necessary, planning committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application contrary to an officer recommendation. This is in order to allow time to reconsider, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval."

As referred to above, the reasons for refusal were not fully formulated during the original meeting of DCC on 11 June 2026, however, Officers invited the nominated Lead Member, Cllr. Ian Spiller, in liaison with the other DCC Members who voted to refuse the Application, to draft reasons of refusal in order for Officers to compile a report.

LEAD MEMBER'S WRITTEN REPRESENTATION was received as follows:

"RESOLVED: *That Application P/25/20/FUL be DEFERRED AND REFERRED BACK TO OFFICERS FOR FURTHER NEGOTIATION, as Members are minded to refuse planning permission in its current form for reasons relating to design, placemaking, scale, massing, townscape character and impact upon the setting of the Porthcawl Conservation Area.*

Committee Planning Reasons

- 1. Conflict with Policy SP3 – Good Design and Sustainable Placemaking. Members consider the proposal fails to respect local distinctiveness and is not appropriate to its local context in terms of size, scale, height and massing.*
- 2. Conflict with SPG08 Residential Development. Members consider the proposal fails to respond adequately to local context, urban form and established character and would dominate the surrounding built environment.*
- 3. Harm to the Setting of the Porthcawl Conservation Area. Members consider the development would form a prominent and intrusive feature in views to and from the Conservation Area and would fail to preserve or enhance its setting.*

Visual Evidence Relied Upon by Members

Members attach significant weight to the Applicant's submitted CGI visualisations and comparative height analysis which demonstrate the development would become a dominant feature within the John Street streetscape, occupy a substantial proportion of the skyline and remain highly visible from the vicinity of the Conservation Area.

Legal and Policy Basis

Members have had regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, Planning Policy Wales Edition 12, TAN 12 Design and TAN 24 The Historic Environment. Members have also had regard to Part 4 of the Historic Environment (Wales) Act 2023, which requires special regard to be given to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.

Indicative Refusal Reasons

- 1. Excessive height, scale, width, bulk and massing resulting in an over-dominant and visually intrusive form of development contrary to Policy SP3, Planning Policy Wales and TAN 12.*
- 2. Failure to reflect the established character and townscape of John Street contrary to Policy SP3 and SPG08.*
- 3. Failure to preserve or enhance the setting, character and appearance of the Porthcawl Conservation Area contrary to Policy SP3, Planning Policy Wales, TAN 24 and Part 4 of the Historic Environment (Wales) Act 2023.*

Requested Officer Negotiation Points

- 1. Reduce the overall height of the development, particularly the five-storey element and associated roof structures.*
- 2. Reduce the visual bulk and massing of the building from key public viewpoints and within the John Street streetscape.*
- 3. Improve the relationship of the development with surrounding buildings and ensure that the scale and form of development responds more appropriately to the character of the area.*
- 4. Provide revised heritage, townscape and visual impact evidence, including updated visualisations where necessary, to properly assess the proposal's effect on the setting of the Porthcawl Conservation Area.*
- 5. Demonstrate full compliance with Policy SP3, Planning Policy Wales Edition 12, TAN 12 Design and SPG08 Residential Development.*
- 6. Demonstrate through revised design, heritage assessment and visual evidence that the proposal preserves or enhances the character, appearance and setting of the Porthcawl Conservation Area having regard to Part 4 of the Historic Environment (Wales) Act 2023.*

The application shall be returned to Development Control Committee for final determination following completion of negotiations and submission of amended plans.

As Members will note, the reasons to refuse the Application no longer include reference to an 'under provision' of parking provision to serve the development and the resolution is now to defer the Application to allow Officers time to negotiate a different scheme with the Applicant.

Whilst the Applicant has, since the previous meeting, revised the scheme by replacing the roof top parapet with safety railings/balustrade (having the effect of reducing the overall height of the building by approximately 1m whilst retaining a 150mm upstand and a 60mm capping detail), a fundamental re-design as sought by Members is not reasonable in this instance since more than minimal changes to the proposal would require the submission of a new planning application. Members must determine the Application as it stands ("*on its own merits*") together with the above described minimal design change.

Effectively, the choice for Members is to vote to either (i) accept the minimal amendments and grant consent for the proposal or (ii) refuse the scheme for the reasons Members have put forward.

The following reasons for refusal have been formulated by Officers based on the Lead Member's outline "Committee Planning Reasons" and "Indicative Refusal Reasons", should the Committee still be minded to refuse the application:

- 1. The proposed development, by reason of its excessive height, scale, width, bulk and massing, would result in an over-dominant and visually intrusive form of development that fails to respect local distinctiveness, contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Planning Policy Wales 12*

(2024) and Technical Advice Note 12: Design (2016).

2. *The proposed development, by reason of its design, fails to respond adequately to local context, urban form and the established character and townscape of John Street and would dominate the surrounding built environment, contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Supplementary Planning Guidance Note 08: Residential Development (2008).*

3. *The proposed development, by reason of its design, scale and siting, would result in an overly prominent and intrusive feature when viewed from Porthcawl Conservation Area failing to preserve or enhance its setting, contrary to Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and advice contained within Planning Policy Wales 12 (2024), Technical Advice Note 24: The Historic Environment (2026) and Part 4 of the Historic Environment (Wales) Act 2023.*

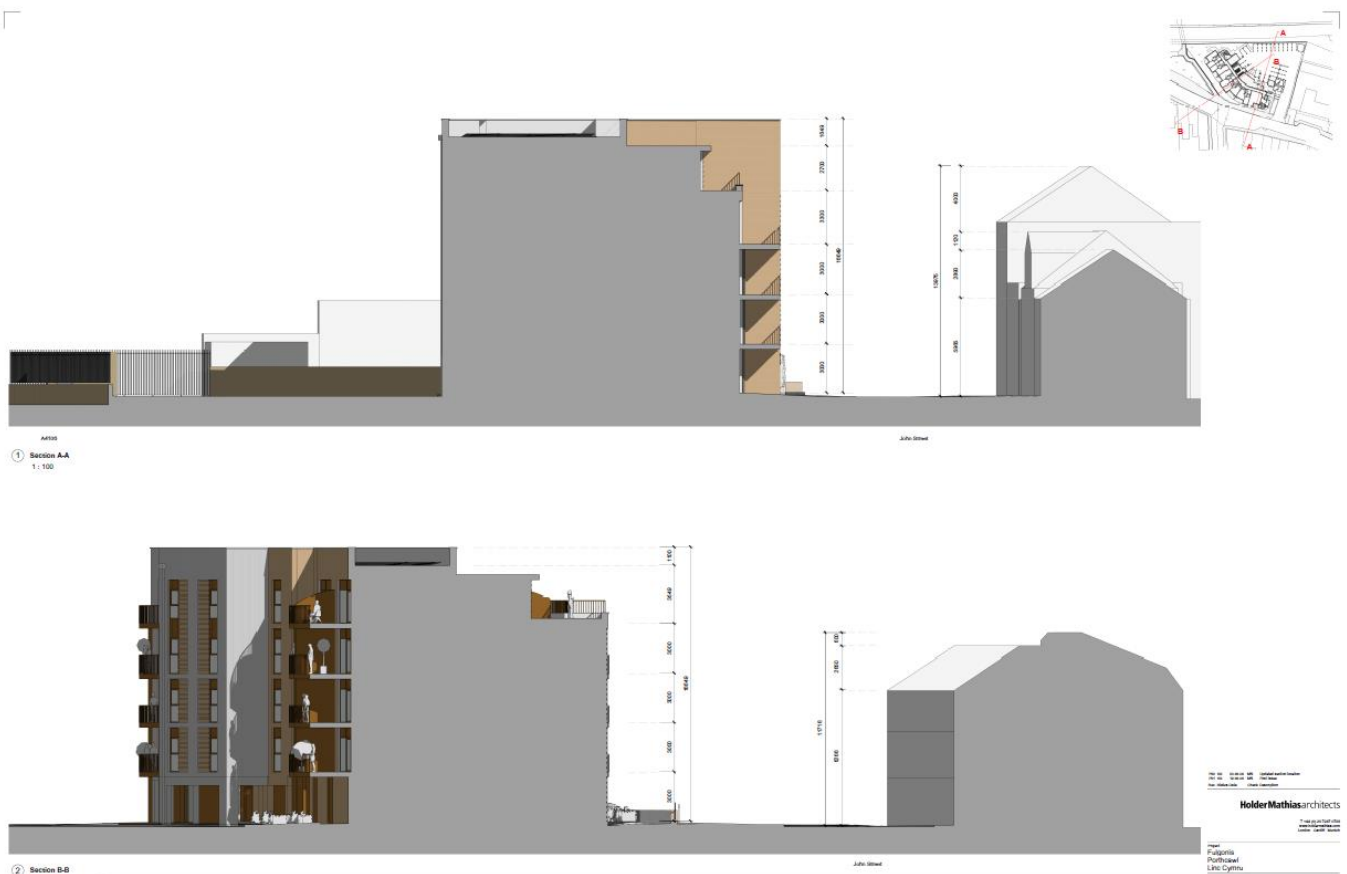
The concerns raised by Members are acknowledged but it is considered that while Members' reasons refer to material planning grounds they are based on a highly subjective view of the proposed scheme and are lacking in technical evidence provided to support the contention that the building would be over-dominant, visually intrusive or overly prominent, particularly in light of the comprehensive information submitted by the Applicant.

Members' reasons for refusal would need to be substantiated at any appeal and the case to refuse would need to sufficiently demonstrate the harm, on balance, whilst taking all other *material* planning considerations into account.

The Applicant has, since the meeting of DCC on 11 June 2026, provided updated CGIs that incorporate a reduction in overall built form height by approximately a metre (16.8m down to 15.9m with a safety rail) and sectional drawings to compare the proposed development with the surrounding buildings:



Fig. 1 - Before and After Views of the Site Looking South



The building is stepped back from John Street and is of a design that will complement rather than detract from the traditional buildings on John Street.

The site is approximately 75m from the northern extreme/boundary of the extended Porthcawl Conservation Area (May 2016).

The Conservation Area was originally designated in August 1973 and consisted of those parts of the town which were substantially complete during its period of industrial growth before 1885.

The Conservation Area itself was historically concentrated around the Listed Buildings close to the Eastern Promenade and the Esplanade some 500m away from the development site. This area includes the original tidal basin, breakwater and harbour light, giving the town its maritime character.

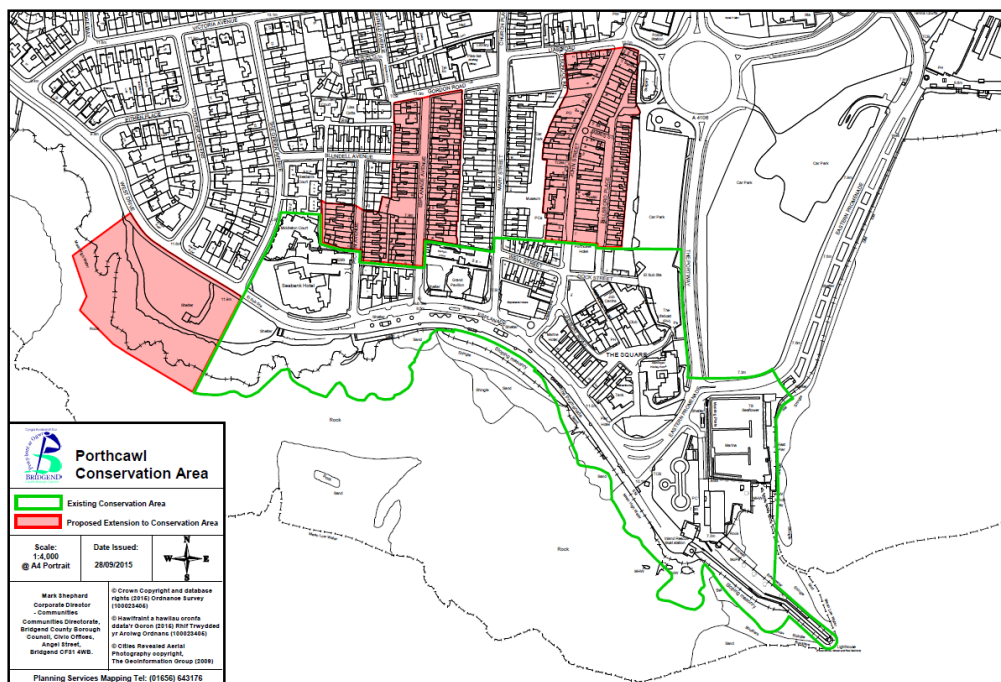


Fig. 4 – Original and Extended Porthcawl Conservation Area

Paragraph 1.29 of Technical Advice Note 24: The Historic Environment states that “A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use.”

The scheme will not be overtly visible when viewed from the heart/original parts of the Conservation Area and, at worst, will have a *neutral impact* on the setting of the historical asset. In addition, the proposal will redevelop a vacant brownfield site and will remove a building that currently has a detrimental effect on the streetscene.

Therefore, Officers consider that it would be difficult to sustain a refusal at appeal on these grounds.

A copy of the original report is reproduced below. **If Members are minded to revert back to the original Officer’s recommendation, the condition relating to the approved plans would refer to the amended plans submitted since the last DC committee meeting ON 11 June 2026.**

DESCRIPTION OF PROPOSED DEVELOPMENT

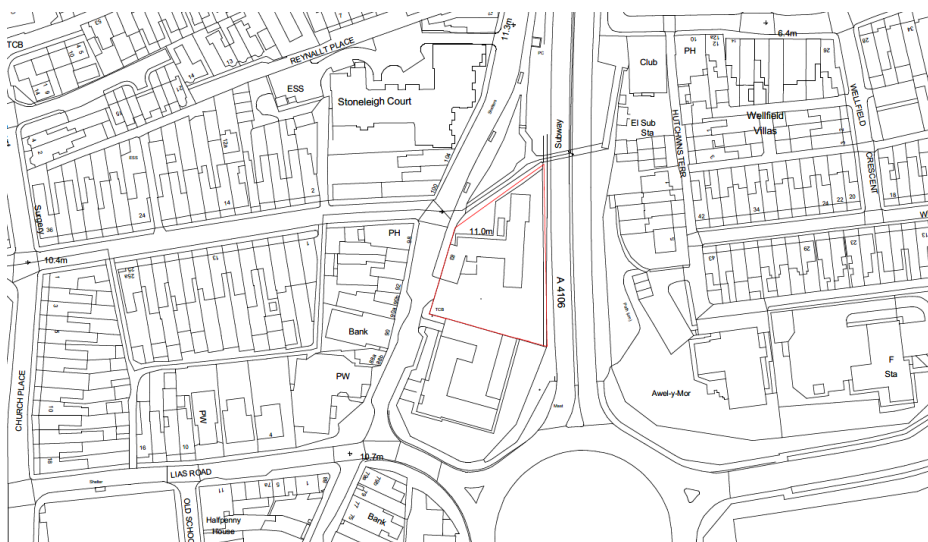
This planning Application seeks consent for the proposed demolition of the former Fulgoni's restaurant and the construction of a four to five-storey apartment block (with a projecting lift and stair core) for a total of 43 apartments (35 x one bedroom flats and 8 x two bedroom flats) for persons over 55 years old, a commercial unit/community space and an adjusted access and associated works including a substation.

The site will be accessed from John Street, as existing, and the development has been designed to include private and semi-private amenity spaces. The public and private spaces are well defined with a clear distinction between the private terraces of units, the semi-public frontage facing John Street and the private residents' amenity space to the rear of the site.

The scheme will accommodate 26 parking spaces including two disabled spaces and three EV charging spaces, with additional motorbike spaces near the entrance. In addition, the scheme includes an attached waste and recycling store, as well as a secure and covered cycle store for 52 bicycles.

The Application is made by Codi Group (formerly Linc Housing Association).

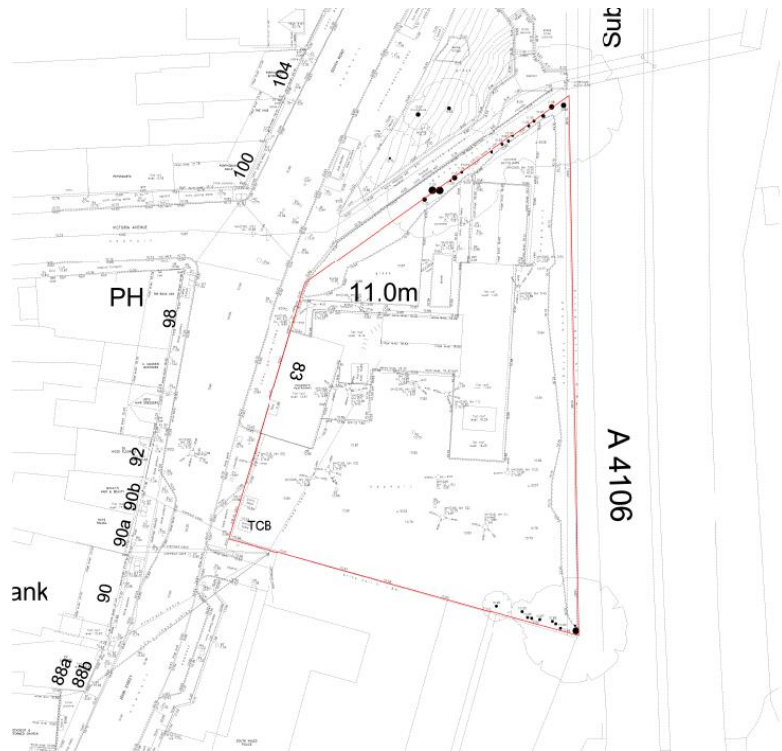
Fig. 1 Site Location Plan



The scheme has evolved since the original submission in January 2025, with changes to the scheme and description of development being made in February 2026, to provide for a reduced number of apartments (from 44 to 43 units) and a commercial/community space at ground floor level, with CGI images included within the revised architectural package, including a perspective image looking south along the A4106.

The building will step up from four storeys fronting John Street and the footpath towards the underpass and will curve around the north-west corner of the site with car parking and landscaping to the rear.

Fig. 2 – Existing and Proposed Site Layout Plans (and comparison of original and proposed building footprints)





SITE DESCRIPTION

The site is located within the main settlement of Porthcawl as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Local Development Plan (RLDP) adopted in 2024.

The former Fulgoni's restaurant is located to the east of John Street, to the west of the A4106, to the north of the Police Station and to the south of the underpass walkway.

The site currently comprises a single storey flat roofed restaurant building attached to two separate two storey pitched roof houses. The broadly rectangular plot covers an area of approximately 0.2Ha and is relatively flat. The site is approximately 70m to the north of Porthcawl Conservation Area.

Fig. 3 – Street scene views of existing buildings and CGI of Proposed Building from John Street





The submitted planning Application is supported by detailed plans and the following supporting documents:

- Planning Statement
- Design and Access Statement
- PAC Report
- Transport Statement
- Framework Travel Plan
- Road Safety Audit
- Traffic Regulation Order Plan
- Preliminary Ecological Appraisal
- Bat Survey
- Biodiversity Statement
- Tree Constraints Plan
- Tree Survey
- Arboricultural Impact Assessment
- Arboricultural Plan
- Planting Plan
- Drainage Strategy
- Green Infrastructure Statement
- Geotechnical and Geoenvironmental Report
- Ground Investigation Report
- Noise Assessment
- CGI Views and Concept Visuals

RELEVANT HISTORY

P/94/100/FUL Grounds of Fulgoni's Café – Removal of Condition No 4 of Application No 93/1003/FUL – Refused 18/04/1994

P/93/1003/FUL Grounds of Fulgoni's Café – Proposed House – Conditional Consent 22/10/1993

PUBLICITY

The Application has been advertised on site.

Neighbours were notified of the receipt of the original Application and upon the receipt of the revised scheme after receiving further amendments to the scheme.

The final period allowed for a response to consultation/publicity expired on 20/02/2026.

CONSULTATION RESPONSES

Principal Structural Engineer – No objection subject to conditions relating to the integrity of the retaining wall and asbestos.

South Wales Police (Designing Out Crime Officer) – No objection, general observations provided that have been issued to the Applicant.

South Wales Fire & Rescue Service – No objection subject to informatives.

Land Drainage Section - No objection, subject to conditions.

Highway Authority – No objection, subject to conditions.

Porthcawl Town Council – Objections:-

- Provision of 26 spaces for parking with 44 units being constructed will lead to parking overflows on streets impacting local business and residents.
- The road safety report was carried out in November 2025 and confirms low traffic flows which are not indicative of peak flows of traffic in the summer months.
- Objection to proposed 5 floors not in keeping with the surrounding area, nothing in that area is that high also. Aesthetically overall design is not sympathetic to the existing town centre buildings.
- Five storey building is overlooking surrounding buildings, and this is part of a conservation area.

Shared Regulatory Services (Noise) – No objection subject to conditions.

Shared Regulatory Services (Contaminated Land Section) – No objection subject to conditions and an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy DNP9 of the Bridgend County Borough Council Replacement Local Development Plan (2024).

Natural Resources Wales – No objections subject to conditions relating to Pollution Prevention and Unsuspected Contamination.

Biodiversity Policy Manager (Ecology) – No objections subject to conditions relating to a revised landscaping plan to include exact species to be planted, locations, numbers, densities, sizes, planting and maintenance methods. This plan should also include types and locations of bird and bat boxes, as well as what wildflower turf is to be used on the butterfly bank.

Heneb Archaeological Trust - confirm that archaeological mitigation is not required for this Application.

REPRESENTATIONS RECEIVED

Cllr. S. Aspey - Further the re-submission of amended plans I am obliged to register my objection on the following grounds.

1) Over intensification of site - The design in terms of height and scale are disproportionate to the other properties in the vicinity and would form an incongruous feature on the landscape.

- 2) Visual Intrusion - The proposed building height would be visually intrusive for residents of the lower section of Victoria Avenue and adversely impact on their amenity space.
- 3) Parking concerns - Although there have been modifications to the design in terms of allocated parking spaces there is still a substantial shortfall to the proposed number of residential units.....parking in the immediate vicinity is restricted to 30 minutes and only South Road is free of restrictions which already has chronic parking issues alongside those at the lower end of Victoria Avenue.
- 4) Loss of retail space - The proposed development is deemed to be purely residential and in its existing format would be detrimental to existing commercial centre by further erosion of A3 retail space.
- 5) Out of character - The design submitted hasn't taken into account the character of the existing properties in the area and the most recent development, namely Stoneleigh Court, was designed to mimic the property style and blend in with its existing surroundings...this development is the complete opposite.

Cllr. G. Walter – My objections will be centred around:-

- Over intensification of a modest plot
- Loss of retail space in what is still a predominately commercial area
- Height of proposed building in relation to adjacent properties and street scene
- Loss of daylight to neighbouring properties
- Insufficient parking, adjacent roads are all subject to double yellow lines
- The building design is not in keeping with the vicinity and its historical setting

In response to the original submission in January 2025 and the revised scheme in February 2026, a total of 91 representations were received from neighbouring occupiers, visitors to Porthcawl and non-Porthcawl residents.

The objections and concerns to the original scheme are summarised below:

1. Over-intensification of the site
2. Lack of on-site parking
3. Height and scale of building
4. Loss of retail space on John Street
5. Potential noise disturbance on neighbouring residential properties
6. Potential loss of privacy
7. Potential loss of light
8. Overshadowing of neighbouring properties
9. Visual impact of the proposed 5 storey building not in keeping with the surrounding street scene
10. Remodelling of road and junction and highway safety
11. Impact on property values
12. No plans for Porthcawl Regeneration yet and that proposal will not include 6 storey buildings
13. Strain on doctors, dentists, schools, policing
14. Insufficient amenity space for future residents and limited landscaping
15. Additional debris during refuse collection days
16. Loss of views
17. Potential future redevelopment of the Police Station site
18. Need for more affordable family homes not 1 and 2 bed flats
19. No Green technology
20. Inadequate public transport
21. Discriminatory to people under 55
22. Impact on the town centre economy
23. Increased crime and litter
24. Lack of mitigation for biodiversity

- 25. No need for more social housing in Porthcawl
- 26. The underpass is embarrassing and dangerous to walk through
- 27. The site is on an archaeological site with important Viking remains

There was also one letter of support for the scheme.

COMMENTS ON REPRESENTATIONS RECEIVED

The vast majority of the concerns raised by residents, Porthcawl Town Council and Local Ward Members align with the main considerations in the determination of the Application and are addressed in the appraisal section of this report.

However, the following comments are offered in response to the other matters raised:

4. Loss of retail space on John Street – the site was primarily used as an A3 Food and Drink establishment (café) so there is no loss of retail (A1 - shops) space. The site is not classed as being within the primary or secondary shopping frontages but is subject to Policy SP12 - Retailing, Commercial and Service Centre of the RLDP which defines the site as being a part of Porthcawl Town Centre.

Policy SP12 states that all new development proposals within retailing and commercial centres must provide retail, community or commercial floorspace on the ground floor. The amended plans for the site now incorporate a commercial unit/community space on the ground floor which satisfies this policy.

11. Impact on property values – any impact on the values of neighbouring properties is not a material planning consideration.

13. Strain on doctors, dentists, schools, policing – the scheme constitutes a windfall site under Policy SP6 and will contribute towards delivery of the overall housing requirement subject to other RLDP Policies. The Health Board and South Wales Police have not objected to the development and, as a proposal of 35 x 1-bed and 8 x 2-bed apartments, the Application does not trigger the threshold of SPG16 - Educational Facilities and Residential Developments.

16. Loss of views – the loss of a view is not a material planning consideration and the properties on the western/opposite side of John Street do not currently enjoy uninterrupted views of Sandy Bay to the east.

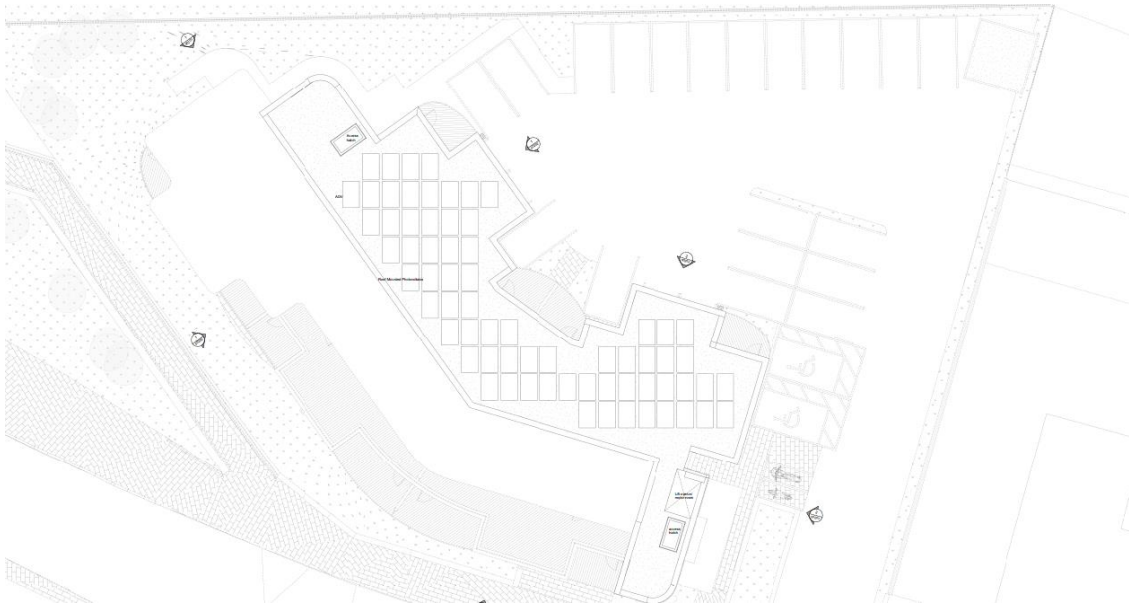
17. Potential future redevelopment of the Police Station site – there is no Application before the LPA relating to the Police Station site which lies to the south of this development. Should South Wales Police redevelop that site in the future the LPA would consider any potential scheme on its own merits.

18. Need for more affordable family homes not 1 and 2 bed flats – the Applicant (Codi Group Housing Association) liaises with the Council's Housing Section and there is a demand for affordable 1 and 2 bed apartments in the area and, whilst the LPA have a statutory duty to determine Applications that are submitted to the Council, it is considered that this site is not particularly suited to family dwellings.

19. No Green Technology – the scheme includes roof mounted photovoltaics (see Fig. 4 below). The supporting documents advise that the scheme takes a fabric first approach with the building being designed to achieve an Energy Performance Certificate (EPC) "A" which will see future tenants having lower energy bills and carbon emissions. To meet the renewable energy requirements, each unit will utilise air source heat pump technology and benefit from solar PV panels located on the roof space of the building. The scheme also

includes three EV charging points.

Fig. 4 – Proposed Roof Plan Showing PV Panels



23. Increased crime and litter - the apartment block will be managed by the Housing Association and a CCTV system will monitor the site; there is no reason to believe the replacement of a café with a residential development will increase the proliferation of litter in the area, especially as the scheme incorporates a communal bin store.

26. The underpass is embarrassing and dangerous to walk through – the underpass is adjacent to but not within the Application site and will not be affected by the development. It is likely that the underpass will now be overlooked by this development which will increase the level of natural surveillance in this area.

27. The site is on an archaeological site with important Viking remains – Officers contacted Heneb Archaeological Trust as soon as this matter was raised with the Local Planning Authority by an objector. Heneb's full comments are as follows:

"Information in the regional Historic Environment Record (HER) shows that there are no records situated within the proposed Application area. The site, however, is situated adjacent to a Bronze Age Round Barrow, which was disturbed during construction work on the railway in 1846. It was noted during these works that an urn inverted over cremated human remains placed on a flat stone was excavated. Therefore, there is potential for further prehistoric remains to be encountered within the area. A review of the historic ordnance survey mapping, dating from 1877 to 1943, shows the site was largely comprised of railway tracks and sidings, prior to the construction of the existing buildings. An archaeological evaluation was undertaken in 2022 to the south east of the Application area, where former railway tracks were encountered in the least disturbed area, along with significant depths of modern demolition material and made-ground deposits. Due to the depths of the modern demolition material present, no further archaeological work was required.

The Application is for the demolition of the buildings at the former Fulgoni's restaurant and redevelopment of the site to form a five-storey landmark building containing 43no. affordable apartments, a commercial/community space and adjusted access and associated works, including substation. We note from the submitted documents that the railway tracks and sidings were removed between 1969-1977, with the main railway replaced with the A4106. It is noted that the buildings were constructed around 1978, with later extensions on site around 2000. It is considered that the site has been extensively disturbed from previous

development. Firstly, during the construction of the railway and subsequent clearance, and secondly, during the redevelopment of the area with the construction of the adjacent roads and existing buildings. Therefore, it is unlikely that significant archaeological remains will be encountered during the course of the proposed works.

As a result, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this Application. The record is not definitive, however, and features may be disturbed during the course of any work in the area. In this event, please contact this division of the Trust."

An informative will be added to any consent to remind the Applicant and their contractor of the need to contact Heneb in the event that archaeological features are discovered during the works.

PLANNING POLICY

National Planning Policy and Guidance

National planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 12, February 2024) (**PPW**) are of relevance to the determination of this Application.

Paragraph 1.30 of PPW 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) Para 2.3 states: *"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."*

Para 2.7, PPW states: *"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."*

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *"ensure that a post-Covid world has people's well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being."*

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 (TAN) 5 Nature Conservation and Planning
- Technical Advice Note (TAN) 11 Noise
- Technical Advice Note (TAN) 12 Design
- Technical Advice Note (TAN) 15 Development, Flooding and Coastal Erosion
- Technical Advice Note (TAN) 18 Transport

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without 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.

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.

Local Policies

The Development Plan for the area comprises of the Bridgend Replacement Local Development Plan 2018-2033 (**RLDP**) which was formally adopted by the Council in March 2024 and within which the following policies are of relevance:

- Policy SF1 - Settlement Hierarchy and Urban Management
- Policy SP3 - Good Design and Sustainable Place Making
- Policy SP4 - Mitigating the Impact of Climate Change
- Policy SP5 - Sustainable Transport and Accessibility
- Policy SP6 - Sustainable Housing Strategy
- Policy SP8 - Health and Well-being
- Policy SP12 - Retailing, Commercial and Service Centre
- Policy SP15 - Sustainable Waste Management
- Policy SP17 - Conservation and Enhancement of the Natural Environment
- Policy PLA11 - Parking Standards
- Policy PLA12 - Active Travel
- Policy COM2 - Affordable Housing
- Policy COM3 - On-Site Provision of Affordable Housing
- Policy COM6 - Residential Density
- Policy COM10 - Provision of Outdoor Recreation Facilities
- Policy ENT15 - Waste Movement in New Development
- Policy DNP6 - Biodiversity, Ecological Networks, Habitats and Species.
- Policy DNP9 - Natural Resource Protection and Public Health

Supplementary Planning Guidance

SPG02: Householder Development

SPG05: Outdoor Recreation Facilities and New Housing Development

SPG08: Residential Development

SPG17: Parking Standards

SPG19: Biodiversity and Development

APPRAISAL

The Application is referred to the Council's Development Control Committee at the request of Local Ward Members and as a result of material planning objections from Porthcawl Town Council and a number of neighbouring occupiers in line with the Council's scheme of

delegation.

The main issues to consider in this Application relate to the principle of development, visual amenity impact, the impact on the amenities of neighbouring and future residents, highway/pedestrian safety and parking, biodiversity and trees and drainage.

Principle Of Development

The site is located within the main settlement of Porthcawl as defined by Policy SF1 Settlement Hierarchy and Urban Management of the Replacement Local Development Plan (**RLDP**) adopted in 2024.

Policy SP6 Sustainable Housing Strategy of the RLDP supports windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land. The proposed site would constitute a windfall site under Policy SP6 and could contribute towards delivery of the overall housing requirement subject to other RLDP Policies.

Policy COM6 Residential Density of the RLDP requires that development must seek to create mixed, socially inclusive, sustainable communities by providing a range of house types and sizes to meet the needs of residents at an efficient and appropriate density. In the first instance, residential development should seek to reflect a density of 50 dwellings per hectare. A lower density of development will only be permitted where:

- 1) Design, physical or infrastructure constraints prevent the minimum density from being achieved; or
- 2) The minimum density would harm the character and appearance of the site's surroundings; or
- 3) Where it can be demonstrated there is a particular lack of choice of housing types within a local community.

The site consists of an approximate overall density of 215 dwellings per hectare with 43 flats proposed on the site. This is considered to be in accordance with Policy COM6.

The site is subject to Policy SP12 Retailing, Commercial and Service Centre of the RLDP which defines the site as part of the Town Centre in Porthcawl. Policy SP12 states that all new development proposals within retailing and commercial centres must provide retail, community or commercial floorspace on the ground floor. The latest plans for the site have now incorporated a commercial unit/community space on the ground floor which satisfies Policy SP12.

Policy COM2: Affordable Housing states that provision will be made to deliver 1,711 affordable homes over the plan period, including by enabling registered social landlord (**RSL**) schemes, such as the one proposed, to come forward as windfall sites.

The Application also triggers Policy COM3 of the RLDP, which in this location requires 30% of the dwellings to be provided as affordable housing. Whilst it is noted that the proposed development aims to provide 100% affordable housing, which is welcomed, in order to safeguard compliance with the RLDP, the affordable housing target of 30% should be secured through a Section 106 Agreement, with 10 of the one-bedroom units and 3 of the two-bedroom units secured for Social Rent.

The proposal is therefore deemed to comply with policies SP6, COM2, COM3, COM6 and SP12 of the RLDP, and it is considered that, in principle, and subject to satisfying the requirements of other RLDP policies (particularly Policy SP3), the proposed development is acceptable in principle and deemed a compatible use for the site vacant site.

Design/Visual Impact

Policy SP3 of the adopted Bridgend Replacement Local Development Plan (2024) requires that all development should contribute to creating high quality, attractive, sustainable places by, amongst other:

- Demonstrating alignment with the principles of Good Design;
- Have a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character; and,
- Be appropriate to its local context in terms of size, scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

The Application building occupies a relatively prominent location at the northern end of John Street opposite the junction with Victoria Avenue.

It will be viewed within the context of the Police Station to the south, the underpass to the north, the mixed-use buildings along John Street to the west and the A4106 to the east at the strategic gateway into the town.

Fig. 5 – CGI View South from A4106



The existing buildings on the site are of their time and are of limited architectural quality, but it is accepted that the proposed development will have a significant impact on the character of this part of Porthcawl and is markedly different to the current built form.

The submitted Design and Access Statement (**DAS**) states:

“The proposed residential block provides for a logical transition in scale and form between the existing residential and commercial properties of John Street whilst providing a gateway building on approach to Porthcawl seafront, anticipating the new proposed development strategy for the wider Waterfront area.”

The DAS goes on to state *“The Application proposal has gone through a significant level of design development to arrive at the proposed solution which balances a level of design ambition, that fully exploits the opportunities presented by the site and its location, with the need to deliver a development that is both viable and deliverable.”*

As referred to above, the site is approximately 70m to the north of Porthcawl Conservation Area. The proposal will not have a detrimental impact on the setting of the Conservation Area as it will be viewed from a distance, through a relatively narrow viewpoint, and it will be

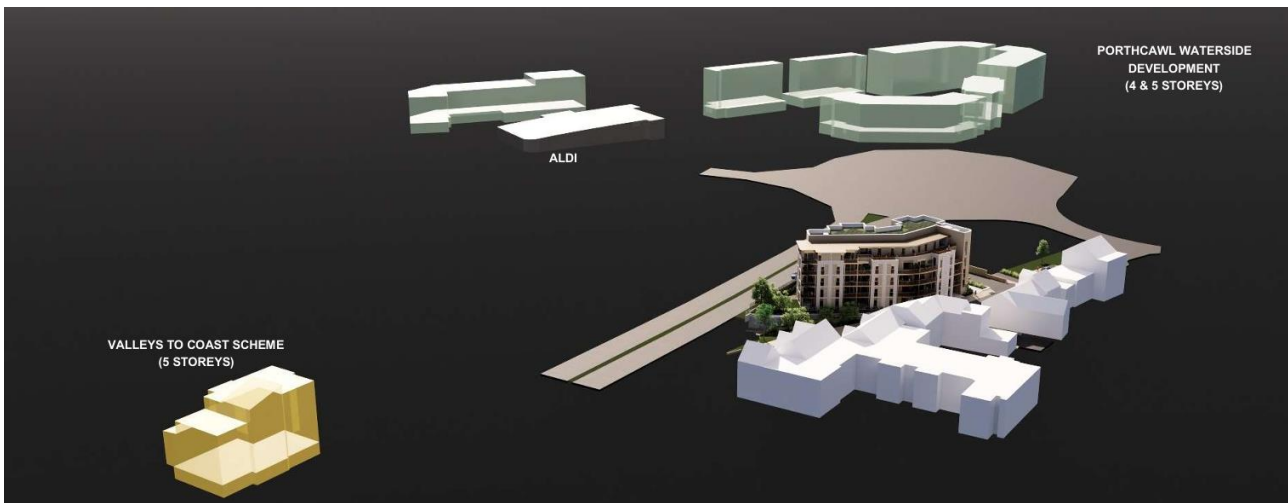
set amongst other intervening buildings.

Fig. 6 – Indicative Streetscene viewed from John Street Conservation Area



The scheme will result in the demolition of the vacant Fulgoni's Café building and associated dwellings to be replaced with a four to five-storey apartment block that would be more in keeping in design and scale terms with the recent Valleys to Coast Housing Association development at Old Station Road to the north of this site, the redevelopment of the former Glamorgan Holiday Hotel and the future redevelopment of the wider area as part of the Strategic Porthcawl Regeneration Scheme.

Fig. 7 – Existing and Future Surrounding Built Form



Whilst the immediate buildings along this part of John Street are predominantly two to three storeys in height, the streetscape features some large domestic and non-domestic buildings including the adjacent Police Station, the former Barclays Bank building at 90 John Street and the McCarthy and Stone retirement home at Stoneleigh Court.

Following the full committee site visit, the Applicant submitted a plan to show the relevant heights of the building when compared to the surrounding buildings and whilst the highest part of the building (stairwell and lift overrun) will be approximately 3m taller than the ridge

height of the former Barclays Bank building at 90 John Street, the 4 storey element of the scheme that fronts onto John Street will be roughly the same height (13.5m) as the ridge level of the former Barclays Bank building (13.9m).

Fig. 8 – Building Height Comparisons



Through negotiation with the Applicant, the flat roof design, the choice of materials and their colour, the inclusion of additional planting at the south west corner of the building and the general set back of the five storey part of the building away from John Street will reduce its visual impact in the streetscene to an acceptable level.

The Council's Building Conservation and Design Officer acknowledges that the modern architectural expression of the proposed building does not relate to the surrounding built fabric but it is still considered an improvement on the existing structures on site and avoids the risk of a failed copy or pastiche of Victorian or Edwardian design features. However, there are other buildings throughout the Conservation Area which have been designed in an Art Deco 1930's style. The materials and finishes will be agreed via a suitable worded condition to ensure the correct colour and robustness for this seaside location.

Therefore, it is considered that proposed building, with the use of a stepped façade and materiality, will make a positive impact on the area as an improvement on the vacant café buildings despite having a maximum of five-storeys.

Overall, and having regard to the above and specific town centre context of the site, it is considered that the proposed development would not have any significant unacceptable impacts on the visual amenities of the area or the streetscene and generally accords with Policy SP3 of the Replacement Local Development Plan (2024).

Residential Amenity – Neighbouring and Future Occupiers

Planning Policy Wales (Edition 12, February 2024) states at paragraph 2.7 that *“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”*.

Criterion (k) of Policy SP3 of the Replacement Local Development Plan (2024) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and in addition, seeks to ensure that an appropriate level of amenity

is afforded to future occupiers of a development.

With a scheme of this nature there is a need to balance the provision of amenity space for future residents with protecting the residential amenity of neighbouring occupiers to the east and west of the site.

Despite the increase in size compared to the existing buildings on site, the building will avoid having a significant adverse impact on the nearest neighbouring properties to the east along *Hutchwns Terrace* and *Wellfield Avenue* due to the orientation and siting of the building, the presence of natural screening in the A4106 verge, the distance between the building and residential properties and the fact that the site is separated from those residential properties by four lanes of the A4106.

Following the site visit and the concerns of a local resident regarding overlooking and loss of privacy, the Applicant submitted a detailed plan showing the footprints of the existing and proposed buildings on this site and the distance to the gardens and rear windows of the nearest properties along *Hutchwns Terrace*.

Fig. 9 – Distance to Neighbouring Residential Properties to the East



The measurements illustrate that the majority of the building will be further away from *Hutchwns Terrace* than the existing buildings and the balconies that directly face *Hutchwns Terrace* will be at least 60m from the rear windows of 5 *Hutchwns Terrace* and approximately 50m to the rear gardens of those properties.

Whilst there is a difference in levels between the site and the properties at *Hutchwns Terrace*, which potentially increases the perception of being overlooked, the distances are well in excess of the minimum 21m accepted standard between habitable room windows (and 10.5m to rear gardens). The location of the building within the site and distance away from *Hutchwns Terrace* will also mitigate any overshadowing or overbearing impacts.

In terms of the impact of the development and balconies on occupiers of the upper floor flats on the western side of John Street, it is acknowledged that their outlook will change as a result of this development. The proximity and number of balconies on the western side of the building was raised as a potential issue at an early stage in the process. However, the only affected unit is a flat at *94a John Street* (which has first floor accommodation and a dormer extension serving accommodation within the roofspace) and this is in line with the proposed stairwell/lift core rather than a balcony/flat in order to avoid any direct overlooking and loss of privacy both ways.

The adjoining flats in the development (Nos. 7, 17, and 27) are above the commercial unit/community space and have the smallest balconies on the whole scheme which will naturally limit dwell time. They are also opposite a retail unit (Butcher) and the Rock Inn public house that do not appear to have residential accommodation at 1st floor level.

The building then curves away from John Street and the junction with Victoria Avenue so that the remaining balconies do not directly overlook the properties on the opposite side of John Street. The proposed landscaped buffer and extension of an existing masonry wall in front of the building, as well as the set back from the highway along the site frontage, will also protect the privacy and residential amenity of future occupiers of the ground floor flats.

The new building, by virtue of its size and form, is likely to increase overshadowing impacts on adjoining properties to the west when compared to the existing situation. However, any impact will be restricted to the morning hours due to the siting of the building on a north-south axis.

On balance, the scheme has been designed to reduce mutual overlooking whilst achieving an acceptable level of private amenity space for future occupiers of the building. The building would not have such an overbearing, overshadowing or overlooking impact to warrant the refusal of the planning Application. In addition, higher density developments are suitable within a town centre location in close proximity to local amenities and facilities such as this site.

Whilst the demolition and construction works will inevitably result in a level of disturbance and disruption to the adjoining occupiers, this is not considered to be a sufficient reason to refuse the planning Application with the construction works being of a transient nature.

Accordingly, the proposal complies with Policy SP3 of the Bridgend Replacement Local Development Plan (2024) and guidance contained within Supplementary Planning Guidance Note 02 *Householder Development* which relates specifically to residential amenity (the proposal also satisfying Policy ENT15 of the RLDP in terms of waste management).

Highway Safety and Parking

Policy PLA11 of the adopted Bridgend Replacement Local Development Plan (2024) stipulates that all development must be served by appropriate levels of parking in accordance with the adopted SPG on parking standards.

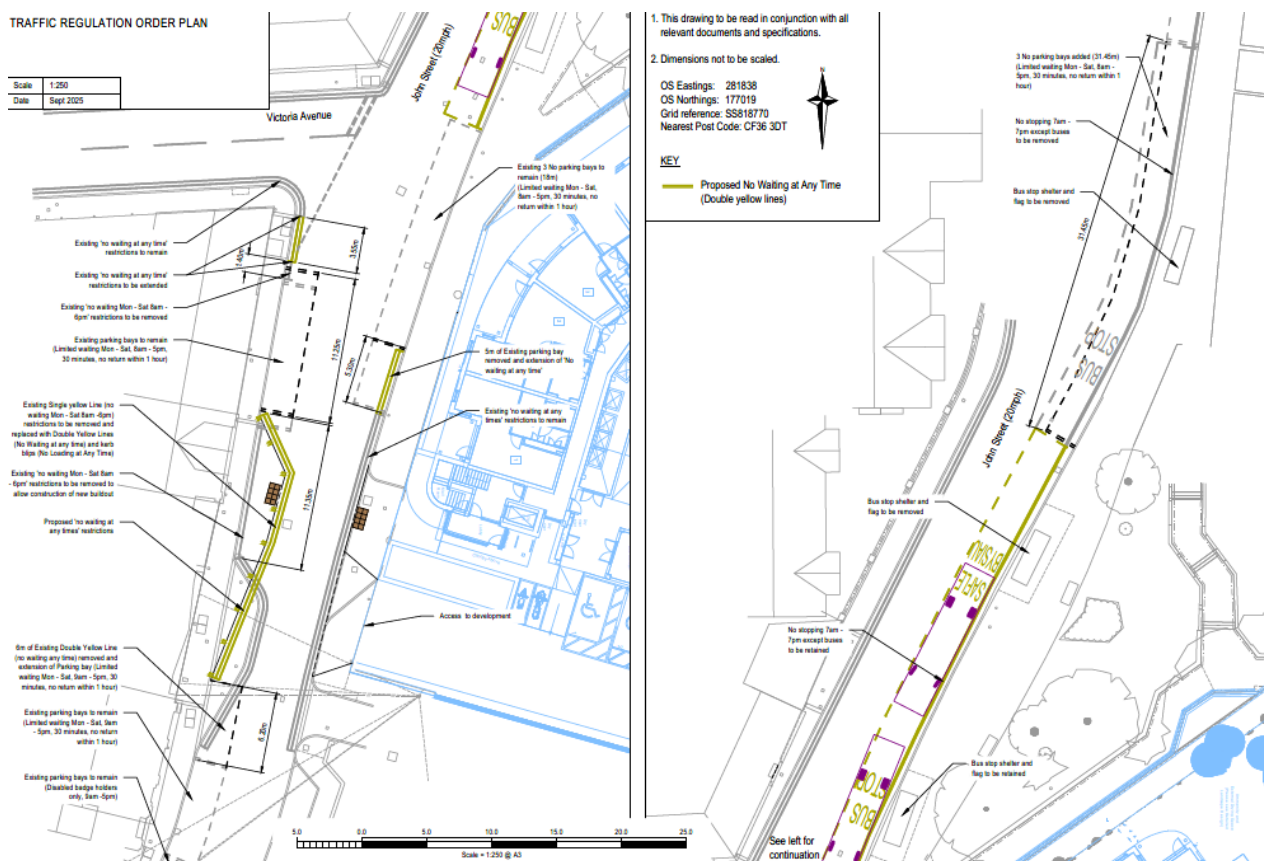
The scheme proposes 43 flats and 26 on-site parking spaces which will include 3 EV charging spaces and 2 disabled parking spaces. A 52 space secure and covered cycle store also forms part of the proposals. The Application was supported by a Transport Statement and Framework Travel Plan. The site is in a highly sustainable location close to the town centre and its associated services and facilities including public transport services. The scheme includes for the relocation of the existing vehicular footway crossover approximately 10m to the south (closer to the Police Station access), relocating the uncontrolled pedestrian crossing approximately 10m to the north and providing a 2m wide shared internal

footway/cycleway to serve the building entrance, refuse store and cycle store.

This will necessitate off-site road works/changes to the carriageway including changes to the existing build out on the opposite side of John Street.

These works have been the subject of an informal Traffic Regulation Order (TRO) consultation with all stakeholders, nearby businesses and statutory consultees. The Highway Authority will be able to process the formal TRO subject to and once a planning consent has been granted to avoid pre-determination. The informal consultation resulted in no representations or objections to the proposed TRO. The developer will be responsible for the cost of all relevant and necessary TROs but not the costs of any other TROs that do not relate to this development.

Fig. 10 – Traffic Regulation Order Plan



The Council's Highway Officer was consulted on the amended scheme and has commented as follows:

'The submitted Planning Statement confirms that the development is intended to provide affordable accommodation for the over-55 age group.'

The HA has reviewed the submitted Transport Statement, Framework Travel Plan, Design and Access Statement, proposed site plan and Stage 1 Road Safety Audit. The site is located in a sustainable town centre location, close to John Street, Porthcawl seafront, Metrolink, local shops and services. The submitted Transport Statement identifies that John Street is subject to a one-way southbound Traffic Regulation Order and a 20mph speed limit.

The HA notes that the proposal will provide 26 on-site car parking spaces. This represents a reduced level of parking when considered against the Council's adopted parking standards. However, the HA accepts that the proposed development is located close to local

services, and the proposed development is also for affordable accommodation for the over-55 age group, which is a material consideration in terms of likely car ownership and parking demand.

The Transport Statement includes a review of Local Census car ownership data and identifies lower levels of car ownership for flats and affordable dwellings when compared with general car ownership in the Porthcawl area. The HA is therefore prepared to accept the proposed reduced level of on-site parking, subject to the development being secured and retained as affordable over-55 accommodation, the provision and retention of the on-site parking shown on the approved layout, implementation of the Travel Plan, and the provision of additional sustainable transport mitigation through a car club contribution.

In recognition of the reduced level of car parking, the HA requires a Section 106 contribution of £18,000 towards the provision of a 12-month car club trial. This contribution shall be used by the Council/Highway Authority to arrange the provision of a car club vehicle, such as an Enterprise Car Club vehicle or equivalent, to serve the development and wider local area. The car club will allow residents to access a vehicle when required via an app-based booking system, without needing to own a private car. This is considered necessary to support the reduced parking strategy, manage car ownership, and provide a practical alternative to private vehicle ownership for future residents.

The HA also notes the existing operational issues at the entrance to the pedestrianised section of John Street. The current arrangement relies on temporary cones following the removal of the previous collapsible bollard arrangement due to health and safety concerns. This has weakened the effectiveness of the pedestrianised restriction, as the cones can be moved and vehicles can enter the pedestrianised section outside the permitted times. The proposed development is located approximately 73m north of this location and is being considered on the basis of a materially reduced level of on-site parking. Notwithstanding the proposed mitigation, the development will introduce additional residential activity, servicing demand, visitor movements and potential parking pressure within John Street.

The HA therefore seeks a further Section 106 contribution of £20,000 towards the design and delivery of improved traffic management infrastructure at the entrance to the pedestrianised section of John Street. This may include, but is not limited to, a lockable gate or other approved physical access control measure capable of being opened and closed as required to manage authorised access. This contribution is considered necessary to support the reduced car parking strategy, manage the potential increase in vehicle circulation and parking pressure on John Street, and ensure that the pedestrianised section continues to operate safely and effectively.

The proposed vehicular access is taken from John Street and involves the relocation of the existing vehicle crossover, relocation of the uncontrolled pedestrian crossing and relocation/extension of the existing build-out. The submitted Transport Statement confirms that the proposal includes relocating the existing vehicular footway crossover approximately 10m to the south, relocating the uncontrolled pedestrian crossing approximately 10m to the north, and providing a 2m wide shared internal footway/cycleway to serve the building entrance, refuse store and cycle store.

The HA notes that the access and associated highway works have been subject to a Stage 1 Road Safety Audit. The audit identified a number of matters requiring action, including inter-visibility between drivers and pedestrians at the proposed access, resurfacing of John Street within the extents of the scheme, repositioning of the left-turn arrow/signage due to the one-way operation of John Street, drainage/gully details within the proposed build-out, and potential surface water ponding. These matters are capable of being addressed through the detailed design and technical approval process, but the HA requires the RSA response

and any subsequent audit stages to be secured before the highway works are implemented through the S111/S278 legal agreement process.

The submitted highway arrangement also appears to rely on amendments to the existing parking restrictions and/or Traffic Regulation Order arrangements on John Street. The HA is prepared to support the proposed access arrangement in principle, but only on the basis that the required highway works, visibility, pedestrian crossing relocation, build-out amendments, signing, lining, drainage and any necessary TRO amendments are secured prior to occupation. If any TRO required to deliver the approved arrangement cannot be made, the development shall not be occupied until an alternative scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the HA.

In respect of refuse collection, the HA notes the submitted swept path work and previous discussion around refuse vehicles reversing into the site. The HA does not consider routine reversing of a large refuse vehicle into the site to be the preferred arrangement. Given the constrained nature of the site and its town centre location, the HA is prepared to accept on-street refuse collection from John Street, subject to a robust Refuse and Servicing Management Plan being secured by condition. The Travel Plan identifies that refuse is expected to be collected on-street, with storage bins brought to the kerbside each week.

The Refuse and Servicing Management Plan must ensure that refuse and recycling containers are only presented at agreed times, do not obstruct the footway, carriageway, site access, pedestrian crossing point or visibility splays, and are returned to the internal store promptly following collection. The plan shall also control servicing and delivery activity associated with the development, including the use of the proposed access and any loading/unloading arrangements from John Street.

The HA welcomes the proposed cycle parking provision. The Framework Travel Plan identifies that the development will provide secure and sheltered cycle parking, with resident cycle storage located internally in a secure and covered location and visitor cycle parking within the landscaped area. The provision of secure cycle parking is important given the reduced on-site car parking provision and the accessible location of the site and the cycle parking should be provided prior to first occupation and retained thereafter.

The Framework Travel Plan is also welcomed and will be secured by condition. The Travel Plan will need to include practical measures to encourage walking, cycling, public transport use and car club use by residents. Given that the reduced level of parking is accepted on the basis of the site's sustainable location and the likely lower car ownership profile of the proposed residents, the Travel Plan must be implemented from first occupation and monitored thereafter.

A Construction Traffic Management Plan is required as John Street is a constrained town centre street with existing parking, pedestrian activity, bus movements, access requirements and nearby commercial activity. Construction traffic, deliveries, loading/unloading, contractor parking and pedestrian management therefore need to be carefully controlled. The CTMP should include construction access, routing, delivery hours, contractor parking, loading/unloading arrangements, pedestrian protection, wheel washing, storage of materials and measures to prevent obstruction of John Street and the surrounding highway network.

Subject to the completion of the necessary Section 106 agreement and the imposition of suitably worded conditions, the HA raises no objection to the proposed development.

The Section 106 agreement shall secure the following:-

A financial contribution of £18,000 towards the provision, establishment and operation of a car club vehicle serving the development and local area for a minimum 12-month trial period. The contribution shall be used by the Council/Highway Authority to arrange the car club provision.

A financial contribution of £10,000 towards improved traffic management infrastructure at the entrance to the pedestrianised section of John Street, which may include a lockable gate or other approved physical access control measure. The contribution shall be used by the Council to design, procure and implement a suitable scheme to reinforce the pedestrianised restriction and manage vehicle access within John Street.'

On the basis of the above comments and the recommended conditions and contributions, the proposed development is considered to be compliant with Policies SP3 and PLA11 of the Bridgend Replacement Local Development Plan (2024) and Supplementary Planning Guidance Note 17: Parking Standards and is acceptable from a highway and pedestrian safety perspective.

Biodiversity and Trees

In assessing a planning Application, the Local Planning 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, under the Environment (Wales) Act 2016.

Planning Policy Wales 12 (**PPW12**) states in Section 6.4.4: *"It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals."* PPW12 states that *"All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission."*

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife."*

Policy SP3 of the adopted Bridgend Replacement Local Development Plan (2024) (**RLDP**) requires development to safeguard and enhance biodiversity and integrated multi-functional green infrastructure networks.

Policy DNP6 (RLDP) states: *"All development proposals must provide a net benefit for biodiversity and improved ecosystem resilience, as demonstrated through planning Application submissions. Features and elements of biodiversity or green infrastructure value should be retained on site, and enhanced or created wherever possible, by adopting best practice site design and green infrastructure principles. Development proposals must maintain, protect and enhance biodiversity and ecological networks / services. Particular importance must be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species"*

Policy DNP7 (RLDP) states: *"development that would adversely affect trees woodlands and hedgerows of public amenity or natural/cultural heritage value or provide important ecosystem will not be permitted"*.

Policy DNP8 (RLDP) requires new development proposals to integrate, protect and maintain

existing green infrastructure assets and to enhance the extent, quality, connectivity and multi- functionality of the green infrastructure network.

In this case, given the proposed demolition of buildings, the Applicant submitted a Preliminary Ecological Assessment including bat surveys. The surveys found that the site contains habitats of negligible conservation significance, consisting of predominantly introduced shrub and tree planted along two of the boundaries and a small area of clipped lawn adjacent to the dwellings, buildings and hard-standings.

The buildings were assessed as offering low potential for bat roosting. A single emergence survey was carried out which confirmed that no roost locations appear to exist and any bat activity was very low.

The submitted Green Infrastructure Statement confirms that the existing tree cover within the site boundary consists primarily of formally unmanaged boundary planting, previously planted as hedges or screening.

A tree survey was undertaken and the subsequent tree report advised that: No Category A or B trees were recorded on site; trees T9 and T10 (Swedish Whitebeam) are outside of the boundary to the north of the site and are to be retained; the majority of trees (Lawson's Cypress) on the northern and southern boundary were recorded as "U" and recommended for removal or of poor quality and poorly managed and are also proposed for removal; and, the remaining trees are in a group located on the eastern boundary with the hedge line of holly and sycamore being retained.

A Biodiversity Statement was also submitted with the Application to identify the biodiversity enhancements proposed as part of the planning Application, and to illustrate how they are to be incorporated into the proposed development.

The Council's Biodiversity Policy Manager has reviewed the submitted reports and raised no objections.

Given the previous low roosting potential and the fact that bats are likely to be absent from the building, an update survey can be included in the conditions of approval.

The Biodiversity Statement and the proposals within it are welcomed. Generally, they are suitable for the development proposal and its location, however, the proposal of *'up to 20 bird boxes to suit a variety of species'* should include swift bricks to be incorporated into the designs. Swift bricks are generally considered a better option to boxes as they are more durable, maintenance free and discreet and this site is near to existing known swift nests.

Conditions will include a landscaping plan which will elaborate on the biodiversity statement and proposals such as the exact species to be planted, locations, numbers, densities, sizes, planting and maintenance methods. This landscaping plan should also include the types and locations of bird and bat boxes, as well as what wildflower turf is to be used on the butterfly bank.

Natural Resources Wales accept that the Preliminary Ecological Appraisal and Bat Survey report submitted by East Ecology has identified that bats were not using the Application site and therefore have no adverse comments to make on this matter.

Fig. 11 – Landscape and Biodiversity Enhancement Plan



On the basis of the comments received from the Council's Biodiversity Policy Manager (Ecologist) and NRW, subject to necessary conditions, the works are, on balance, considered to be compliant with Policies SP3, SP13, DNP6, DNP7 and DNP8 of the Bridgend Replacement Local Development Plan (2024) and wider National Planning Policy requirements in terms of Biodiversity.

Drainage and Flooding

The Flood Map for Planning supports TAN15 - Development, Flooding and Coastal Erosion and shows that the site remains flood free even in the most extreme scenario and shows the extent of the local area benefiting from existing sea defences. It also confirms that the development site and immediate local area is not susceptible to surface water flood risk.

Fig. 12 - NRW Flood Map for Planning (FMfP)



Sustainable Drainage Systems (SuDS) have been considered from an early stage in the

process with design input from consultant drainage engineers informing the site layout.

There is sufficient space for SuDS at ground level integrated into the landscape proposals. The Drainage Strategy indicates that surface water will be disposed to infiltration via permeable paving and rain gardens. A separate Application will be made to the Council's SuDS Approving Body for the detailed SuDS scheme.

Following consultation with the Council's Land Drainage Section, no objections are raised in terms of foul and surface water drainage. The Application form states foul water will be disposed of via the main sewer and Dwr Cymru/Welsh Water (**DC/WW**) should be contacted to agree any new connection.

DC/WW have considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the public sewerage system. They advise that the flows should be connected to the foul sewer between manholes SS81778003 and SS81768903 located in John Street to the west.

Having regard to the above, it is concluded that, on the grounds of drainage and flood risk, the proposed development is acceptable.

Other Matters

Shared Regulatory Services (**SRS**) Environment Team and the Council's Principal Structural Engineer have advised that the two reports produced by Terra Firma are considered to be thorough and give comprehensive guidance for the design of the foundations, hard standings, drainage, etc.

The geoenvironmental report includes a ground gas assessment based on the initial gas monitoring readings undertaken in the Autumn 2023. The completed monitoring programme and review of the ground gas regime will need to be undertaken and ground gas measures may need to be incorporated.

The report includes a contamination assessment that identifies contaminants of concern requiring remediation. The assessment also recommends supplementary investigation works in order to delineate naphthalene contamination to potentially refine the remediation proposals. A remediation strategy, which may include further investigation and a verification plan are required in relation to this.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

If contaminated material is to be removed from site then Waste Acceptance Criteria (**WAC**) testing should be undertaken on the material to determine where the material can be disposed of.

The new building is sited far enough away from the retaining wall running alongside the path to the underpass below the A4106, to ensure that the building should not affect the retaining wall. However, the retaining wall should not be adversely affected by the construction process.

From a structural engineering perspective the correct investigations have been undertaken to allow the new building to be designed effectively. There are some further investigations

recommended in the geotechnical report and it would be prudent to undertake these further investigations which will be secured by condition.

Regarding the demolition process of the existing structure (former Fulgoni's restaurant) the demolition process must not adversely affect the retaining wall alongside the footpath that leads to the underpass below the A4106. A demolition method statement should be produced showing how the building can be taken down safely without affecting structures and other infrastructure outside the perimeter of the site and this will be secured via a condition.

Finally, an asbestos demolition survey should be undertaken prior to any demolition being undertaken. If asbestos is found in the fabric of the building appropriate measures should be taken to ensure asbestos is not released into the atmosphere during the demolition process.)

Shared Regulatory Services requests the inclusion of the conditions and an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy DNP9 of the Bridgend Replacement Local Development Plan (2024).

In terms of noise impact, the submitted Noise Assessment Report has been reviewed by Shared Regulatory Services Officers and they request that conditions be imposed to comply with the requirements of the acoustic report.

The Application site is not crossed by any Public Rights of Way and there are no Tree Preservation Orders on this site.

Section 106 Legal Requirements/planning obligations

Policy SP10 Infrastructure of the Bridgend Replacement Local Development Plan (2024) states that all development proposals must be supported by sufficient existing or new infrastructure.

In order to mitigate likely adverse impacts and/or to integrate a development proposal with its surroundings, reasonable infrastructure provision or financial contributions to such infrastructure must be provided by developers where necessary.

This will be secured by means of planning agreements/obligations where appropriate (and where deemed necessary, related and proportionate, amongst other).

Affordable Housing

The Application triggers Policy COM3 of the RLDP which requires 30% affordable housing in the Porthcawl housing market area.

It is noted that the proposal is for 100% affordable housing. However, in order to safeguard compliance with RLDP requirements, the minimum affordable housing policy requirement of 30% must be secured through a s106 agreement with 10 of the one-bedroom units and 3 of the two-bedroom units secured for Social Rent to achieve compliance with COM3.

In accordance with Planning Policy Wales 12 and as clarified by supporting paragraph 5.3.28, "*where affordable housing is provided, it should be constructed to Development Quality Requirement Standards.*" The Applicant must demonstrate that a minimum of 13 units meet these Standards.

Education

As a proposal of 35 x 1-bed and 8 x 2-bed apartments, the Application does not trigger the

threshold of SPG16.

Outdoor Recreation Facilities

Policy COM10 of the RLDP (2024) requires the provision of satisfactory standards of Outdoor Recreation Facilities for all new residential development which is defined as 2.4ha per 1,000 people.

BCBC's Outdoor Sports & Children's Play Space Audit (2021) shows a deficit of *Equipped Play Areas and Outdoor Sport* provision in this location, and the following amount of open space is required to ensure compliance with COM10 of the RLDP and SPG5 – *Outdoor Recreation Facilities and New Housing Development* (Adopted January 2026).

- Playing Pitches: 1,186.8m²
- Other Outdoor Sports (non-pitch): 1,582.4m²
- Equipped/Designated Play Areas: 245.1m²
- Other Outdoor Provision: 296.7m²
- Allotments: 197.8m²

Recognising that not all the above Outdoor Recreation provision can be provided on a development of this size; the LPA would ordinarily require a LAP on-site (250.8m²) to achieve policy compliance for a site of this size. However, given the significant proportion of 1-bedroom units, it is noted that the proposed units are not large enough to accommodate families and therefore children, which negates the need for the development to provide a LAP contribution.

In this instance, a contribution towards more adult-focused recreational provision specifically '*Other Outdoor Provision*', is considered more appropriate mitigation. Given the location and nature of the development, payment of a commuted sum is considered preferable to on-site provision, with the contribution directed towards the enhancement of existing outdoor facilities in proximity to the site.

To cover the equivalent cost of providing and maintaining the required 296.7m² of Other Outdoor Provision on-site over a 25-year period, a financial contribution of £37,134.97 is required, comprising £19,027.37 in capital costs and £18,107.60 in maintenance costs.

Therefore, a total financial contribution of £37,134.97 is required towards outdoor recreation facilities (ORF) provision for this proposal under Policy COM10, secured via a s106 agreement.

Highway Requirements/Traffic Orders

As referred to above, a financial contribution of £18,000 towards the provision, establishment and operation of a car club vehicle serving the development and local area for a minimum 12-month trial period is required, to be secured by a s106 agreement. The contribution shall be used by the Council/Highway Authority to arrange the car club provision via a company such as Enterprise.

A financial contribution of £10,000 towards improved traffic management infrastructure at the entrance to the pedestrianised section of John Street, which may include a lockable gate or other approved physical access control measure. The contribution, to be secured by a s106 agreement, shall be used by the Council to design, procure and implement a suitable scheme to reinforce the pedestrianised restriction and manage vehicle access within John Street.

It is noted that the site lies in an area with a high demand for on-street parking given the proximity to the town centre. Therefore, there is a requirement for a financial contribution of

£9,500 to fund a traffic order to facilitate changes to the access arrangements, to be secured by a s106 agreement. The required highway works, visibility, pedestrian crossing relocation, build-out amendments, signing, lining, drainage and any necessary TRO amendments are to be implemented prior to the first beneficial occupation of the apartment building.

CONCLUSION

The Application is recommended for approval subject to entering into a section 106 agreement to secure the planning obligations required under Recommendation (A) and the planning conditions required under Recommendation (B) as the development complies with Council RLDP policy and guidelines.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Replacement Local Development Plan (“**RLDP**” adopted March 2024).

Notwithstanding the detailed objections raised, it is considered that the residential scheme represents an appropriate redevelopment of this brownfield site at a prominent location within a sustainable location close to Porthcawl Town Centre.

The scheme will contribute to the visual amenities of the area whilst also replacing a building of little architectural merit and bring much need and appropriate living accommodation to the locality.

The proposal would not adversely affect the residential amenities of neighbouring and future residents nor impact highway and pedestrian safety to such an extent as to warrant refusal on those grounds. The scheme also raises no adverse land drainage, archaeological or ecological concerns.

It is further considered that the Application proposal complies with Future Wales - the National Plan 2040, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

(A) The Applicant enters into a Section 106 Agreement to:

- i) Provide a minimum of 30% of the total number of residential units (which 30% equates to 10 x one bedroom units and 3 x 2 bedroom units) as affordable housing with the location of the Social Rented units within the building to be agreed by the Council, to secure compliance with Policy COM3 and to ensure that the 13 affordable housing units are constructed to Welsh Government Development Quality Requirement Standards;
- ii) Provide a financial contribution of £37,134.97 (Index Linked), comprising £19,027.37 in capital costs and £18,107.60 in maintenance costs, to cover the equivalent cost of providing and maintaining the required 296.7m² of ‘*Other Outdoor Provision*’ on-site over a 25-year period;
- iii) Provide a financial contribution of £9,500 (Index Linked) to fund a traffic regulation order (**TRO**) to facilitate and implement the revised access arrangements on John Street;
- iv) Provide a financial contribution of £18,000 (Index Linked) towards the provision, establishment and operation of a car club vehicle serving the development and local area for a minimum 12-month trial period; and, provide a financial

contribution of £10,000 (Index Linked) towards improved traffic management infrastructure at the entrance to the pedestrianised section of John Street and used by the Council to design, procure and implement a suitable scheme to reinforce the pedestrianised restriction and manage vehicle access within John Street.

- (B)** The Corporate Director - Communities issues a decision notice granting consent in respect of this proposal subject to and once the Applicant has entered into the Section 106 Agreement subject to the following planning conditions:

1. The development shall begin not later than five years from the date of this decision.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan FPLC-HMA-ZZ-ZZ-D-A-00090 S0 P01
Proposed Site Plan FPLC-HMA-ZZ-ZZ-D-A-00092 S0 P05
Proposed Ground Floor Plan FPLC-HMA-ZZ-00-D-A-00100 S0 P14
Proposed First Floor Plan FPLC-HMA-ZZ-01-D-A-00101 S0 P12
Proposed Second Floor Plan FPLC-HMA-ZZ-02-D-A-00102 S0 P10
Proposed Third Floor Plan FPLC-HMA-ZZ-03-D-A-00103 S0 P10
Proposed Fourth Floor Plan FPLC-HMA-ZZ-04-D-A-00104 S0 P10
Proposed Roof Plan FPLC-HMA-ZZ-R1-D-A-00105 S0 P10
Proposed Site Sections FPLC-HMA-ZZ-ZZ-D-A-00300 S0 P05
Proposed Elevations Sheet 1 FPLC-HMA-ZZ-ZZ-D-A-00200 S0 P04
Proposed Elevations Sheet 2 FPLC-HMA-ZZ-ZZ-D-A-00201 S0 P04
Proposed Elevations Sheet 3 FPLC-HMA-ZZ-ZZ-D-A-00202 S0 P04
Boundary Treatment Plan FPLC-HMA-ZZ-00-D-A-00093 S0 P02
Soft Landscape SSH-ASL-XX-XX-DR-L-0901-P03

All received on 4 February 2026.

Transport Statement – Glanville Consultants Ltd.
Framework Travel Plan – Glanville Consultants Ltd.
Green Infrastructure Statement – Logika Group
Preliminary Ecological Appraisal and Bat Surveys – East Ecology
Bat Surveys – East Ecology
Biodiversity Statement – Logika Group
Survey – Treescene
Drainage Strategy - Cambria
Geotechnical and Geoenvironmental Report – Terra Firma

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

3. The development hereby approved shall be occupied as affordable housing accommodation only with at least 60% of tenancy for persons aged 55 years or over and 40% of tenancy to under 55 years of age.

Reason: The reduced level of on-site car parking has been accepted having regard to the proposed affordable over-55 tenure, the accessible town centre location, the submitted Travel Plan and the proposed sustainable transport mitigation, to allow

flexibility and to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

4. No apartment shall be occupied until the site access, relocated pedestrian crossing, build-out amendments, footway works, signing, lining, visibility splays, drainage works and associated highway works on John Street have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved visibility splays and pedestrian inter-visibility splays shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety and to ensure that safe and suitable access is provided for all users to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

5. No apartment shall be occupied until any Traffic Regulation Order amendments necessary to deliver the approved access, parking restriction, pedestrian crossing and build-out arrangement have been made and the associated works implemented. If the required Traffic Regulation Order cannot be made, no apartment shall be occupied until an alternative highway scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and fully implemented in accordance with the approved details.

Reason: To ensure that the approved access and pedestrian arrangements can be safely and lawfully implemented, and to ensure that the development does not proceed in reliance on highway works that cannot be delivered.

6. Prior to the commencement of any highway works, a Road Safety Audit response report addressing the matters raised in the Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any required Stage 2 and Stage 3 Road Safety Audits, together with designer responses and agreed mitigation, shall be completed in accordance with the requirements of the Highway Authority.

Reason: In the interests of highway safety and to ensure that all matters identified through the Road Safety Audit process are appropriately addressed.

7. The 26 on-site car parking spaces shown on the approved layout, including accessible spaces and electric vehicle charging spaces, shall be provided prior to the beneficial occupation of the development and shall thereafter be retained for parking purposes in perpetuity.

Reason: To ensure that the agreed level of parking is provided and retained in the interests of highway safety and parking management to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

8. The secure and covered cycle parking facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained for cycle parking purposes in perpetuity.

Reason: To ensure that appropriate secure cycle parking is provided and retained, in the interests of encouraging active travel and reducing reliance on private car journeys to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

9. Prior to the beneficial occupation of the development, details of how residents will be informed of and encouraged to use the car club facility shall be submitted to and

approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved information shall be provided to all first occupiers and included within the Travel Plan welcome pack.

Reason: To ensure that the car club mitigation is effectively promoted to future residents and supports the reduced on-site parking strategy to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

10. Within 6 months of beneficial occupation of the development, a final Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Residential Travel Plan shall include measures to promote walking, cycling, public transport use and car club use, together with details of resident travel packs, implementation, monitoring, review and remedial measures if targets are not met. The approved Residential Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: To promote sustainable travel choices and reduce reliance on private car journeys, particularly having regard to the reduced level of on-site car parking to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

11. No apartment shall be occupied until a Refuse and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include details of refuse and recycling storage, bin presentation points, collection times, management responsibilities, arrangements for returning bins to the internal store, controls to prevent obstruction of the footway, carriageway, site access, pedestrian crossing and visibility splays, and arrangements for deliveries and servicing. The Plan shall also include details of how refuse and recyclable waste will be stored securely to prevent unauthorised access and effectively managed to prevent excessive accumulations of waste. Refuse collection and servicing shall thereafter be undertaken in accordance with the approved Plan in perpetuity.

Reason: In the interests of highway safety, pedestrian safety and the free flow of traffic on John Street and to ensure a satisfactory form of development.

12. No development, including demolition or site clearance, shall commence until a Demolition and Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Plan shall include details showing how the building can be taken down safely without affecting structures and other infrastructure outside the perimeter of the site, the construction access, routing of construction traffic, delivery times, contractor parking, site compound arrangements, loading and unloading areas, pedestrian management, wheel washing, measures to prevent mud and debris being deposited on the highway, and measures to prevent obstruction of John Street and the surrounding highway network. An asbestos demolition survey shall be undertaken prior to any demolition being undertaken and if asbestos is found in the fabric of the building appropriate measures should be taken to ensure asbestos is not released into the atmosphere during the demolition process. The development shall thereafter be carried out in accordance with the approved Demolition and Construction Traffic Management Plan.

Reason: In the interests of highway safety and to ensure that construction traffic is managed appropriately in this town centre location to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

13. Notwithstanding the requirements of condition 2, no development shall take place until a detailed specification for, and samples of, the materials to be used in the construction of the external surfaces of the development (including the colour palette), as 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 and retained and maintained thereafter in perpetuity.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenities of the area and to ensure the development complies with Policy SP3 of the Replacement Local Development Plan 2024.

14. Notwithstanding the plans hereby approved, no development shall commence apart from demolition and site clearance until a full scheme of boundary treatments, including their detailed design and a specification of the materials to be used, has been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall be fully implemented in accordance with the agreed details prior to the development being brought into beneficial use and shall be retained and maintained in perpetuity thereafter.

Reason: In the interests of the visual amenities of the site and highway safety and to comply with Policy SP3 of the Bridgend Replacement Local Development Plan 2024.

15. Notwithstanding the requirements of condition 2, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the building being occupied and maintained and retained in perpetuity.

Reason: To ensure effective drainage facilities are provided for the proposed development and to accord with Policies SP3 and DNP9 of the Replacement Local Development Plan 2024.

16. Notwithstanding the proposals contained within the submitted Biodiversity Statement and Green Infrastructure Statement, an updated bat survey and detailed soft landscaping and biodiversity enhancement scheme shall be submitted to the Local Planning Authority prior to the commencement of development. The scheme shall include for swift bricks to be incorporated into the building, details of the exact species to be planted within the site, their locations, numbers, densities, sizes, planting and maintenance methods, the types and locations of bird and bat boxes and details of the wildflower turf to be used on the butterfly bank.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation, in accordance with Policies SP3, SP13, DNP7 and DNP8 of the Replacement Local Development Plan 2024.

17. All planting, seeding or turfing comprised in the approved details of the landscape plan shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development are removed, uprooted, or destroyed or die or become, in the opinion of the Local Planning Authority, seriously damaged or defected shall be replaced in the next planting season with others of similar size and species as that originally planted.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation, in accordance with Policies SP3, SP13, DNP7 and DNP8 of the Replacement Local Development Plan 2024.

18. No air source heat pumps (ASHPs) shall be installed until details of their locations and noise levels are submitted to and agreed with the Local Planning Authority. The details shall be submitted with an acoustic report demonstrating that the combined noise rating levels of the ASHPs when assessed in accordance with BS4142: 2014 at any residential premises does not exceed 53dB LAeq during the day (07.00-23.00 hours) and 37dB LAeq during the night (23.00- 7.00 hours). If any noise mitigation is required, the details of any mitigation scheme shall also be included in the acoustic report. The ASHPs shall be installed as agreed.

Reason: To protect the residential amenities of future and neighbouring occupiers and to comply with Policy SP3 of the Replacement Local Development Plan 2024.

19. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the Application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

- 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

20. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model'

(CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
 - archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

21. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

22. The remediation scheme approved by condition 21 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

24. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

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

Reason: To ensure that the safety of future occupiers is not prejudiced and to comply with Policy DNP9 of the Bridgend Replacement Local Development Plan 2024.

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

28. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the sound insulation measures recommended in Table 8 of Inacoustic Acoustic Report entitled "Fulgoni's, John Street, Porthcawl, Detailed Noise Assessment for Residential Use" dated 3rd June 2026, Project Number: 26-175, to control traffic noise to the residential apartments . Glazing shall also include the glazing to external doors. Apartments will have mechanical ventilation with heat recovery (MVHR) fan to provide supply and extract ventilation. In the event of windows being opened for periods of purge or comfort cooling ventilation provision, the internal noise level requirements of BS8233:2014 will be exceeded. Consequently, the scheme shall include an overheating assessment to comply with the recommendations in the acoustic report, which shall be undertaken in accordance with Approved Document O of the UK Building Regulations, to determine if any additional ventilation strategy is necessary. Any additional mechanical ventilation that is determined necessary shall also comply with the requirements of Table 8. The approved agreed scheme shall be implemented in full.

Reason: To protect the residential amenities of future and neighbouring occupiers and to comply with Policy SP3 of the Replacement Local Development Plan 2024.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. The Application is recommended for approval subject to entering into a section 106 agreement to secure the planning obligations required under Recommendation (A) and the planning conditions required under Recommendation (B) because the development complies with Council RLDP policy and guidelines.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning Application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Bridgend Replacement Local Development Plan ("RLDP" 2024).

Notwithstanding the detailed objections raised, it is considered that the residential scheme represents an appropriate redevelopment of this brownfield site at a prominent location within a sustainable location close to Porthcawl Town Centre.

The scheme will contribute to the visual amenities of the area whilst also replacing a building of little architectural merit and bring much need and appropriate living accommodation to the locality.

The proposal would not adversely affect the residential amenities of neighbouring and future residents nor impact highway and pedestrian safety to such an extent as to warrant refusal on those grounds. The scheme also raises no adverse land drainage or ecological concerns.

b. 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 you are minded that the responsibility for

(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the Application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

c. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Bridgend County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB Application process and will provide comments to any SuDS proposals by response to SAB consultation.

The Applicant may need to apply to Dwr Cymru / Welsh Water 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.

The Applicant is also advised that some public sewers and lateral drains may not be recorded on our 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 in dealing with the proposal the Applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the Applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the Applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

d. In order to satisfy the drainage condition the following supplementary information is required:

- Provide an agreement in principle from DCWW for foul (and any residual surface water if required) disposal to the public sewer;
- Submit a sustainable drainage Application form to the BCBC SAB (SAB@bridgend.gov.uk);
- Provide surface water drainage layout (including location of proposed soakaway, if required).
- Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system.
- Provide a timetable for its implementation; and

- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- e. It is recommended that an area is made available for drying clothes to help control condensation problems in the apartments.
- f. Archaeological features may be disturbed during the course of any work in the area. In this event, please contact Heneb Archaeological Trust.
- g. The site plan/s of the above proposal has been examined and South Wales Fire and Rescue Authority would wish the following comments to be brought to the attention of the Applicant. It is important that these matters are dealt with early on in any proposed development.
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation. The developer should also consider the need for the provision of:-
 - a. adequate water supplies on the site for firefighting purposes; and
 - b. access for emergency firefighting appliances
- Should the Applicant require further information in relation to these matters they should contact the named fire safety officer.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None.