

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

5 MARCH 2014

REPORT OF CORPORATE DIRECTOR - COMMUNITIES

DEPARTURE PLANNING APPLICATION P/12/861/FUL

1. Purpose of Report

- 1.1 On 6th February 2014 the Development Control Committee considered planning application P/12/861/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested to grant planning permission subject to conditions.

2. Connection to Corporate Improvement Plan/Other Corporate Priority.

- 2.1 The delivery of the County Borough Council's planning functions has links to most of the Council's corporate priorities as outlined in the Corporate Improvement Plan. The objective of *A Diverse and Sustainable Economy* are the most pertinent.

3. Background

- 3.1 Planning application P/12/861/FUL to extend the existing compound to provide a car parking area for staff has been submitted to the Local Planning Authority. The Development Control Committee has resolved not to refuse this application.

4. Current Situation/Proposal

- 4.1 Mainline Coaches currently operate a coach and tour operator's business from a site at the southern end of Glannant Road, Evanstown. The business which was established in the late 1960's consists of a fleet of 35 executive and standard coaches.
- 4.2 This application, originally submitted in 2012 sought permission to extend the existing compound to provide a car parking area for staff. Material would be imported to form an earth embankment measuring some 67m in length, 41m in width, being some 7m in height, above existing ground level, measured at the 'toe' of the embankment. Following an examination of the submitted plans and sections, concern was expressed that not only would the 'extension' change the

landscape, in a sensitive area, (designated as a Special Landscape Area in the Bridgend Unitary Development Plan) but it would also require the transportation of approximately 4000 tonnes of material to the site. Environment Agency Wales (now Natural Resources Wales) also objected to the development on the basis that the development would have resulted in a change in ground levels in the C2 zone. The EAW requested the submission of a Flood Consequence Assessment. In response to the concerns expressed by the Department and EAW, the developer's agent submitted revised plans which proposed a reduction in the length of the car park extension by over 50% (30m). The amended details were the subject of further consultation.

- 4.3 In August 2013, it was brought to the attention of the Council that the operation of importing material to site had commenced. On investigation it was apparent that the car parking area had been formed. In subsequent discussions, the developer was advised that retrospective planning permission would be required for the works and as such it would be possible for the undetermined planning application to be used for such a purpose. This would however only be acceptable if the submitted plans accurately reflected the unauthorised works on site. Written confirmation has now been received from the applicant's agent confirming that the implemented works accord with the submitted plans.

4.4 PUBLICITY

The period allowed for response to consultations and publicity expired on 7 June 2013.

4.5 NEGOTIATIONS

Negotiations commenced on 8th February 2013.

4.6 CONSULTATION RESPONSES

Town/Community Council Observations:

Notified on 14th January 2013

Head of Street Scene (Highways)

No objection subject to one condition

Rights Of Way Officer

No objections

Head of Street Scene (Drainage)

No objection subject to conditions

The Coal Authority

Coal Mining Risk assessment is not necessary for this proposal and we do not object to this planning application

Natural Resources Wales

We have reviewed the proposed site levels submitted in support of the application and we are now satisfied with the flooding aspect of the proposal. However the applicant should be reminded that any works within 7 metres of the Ogwr Each (Main River) will require prior written consent under the Water Resources Act 1991.

4.7 REPRESENTATIONS RECEIVED

Ray Brookes, 1 Glannant Road

Provides photographs of coaches parking at the bottom of his garden and queries the legality of such coaches in close proximity to residential property.

Mrs Janice Jones Griffiths, Ty Gwyn Y Gwlad

Objects to the parking of coaches to the rear of her former property and considers the carbon emissions from the coaches to be very bad for the environment.

Whilst no specific objections have been received to the development, the department is mindful of representations that have been made to the Traffic Management Section in connection with the use of residential streets by large coaches, accessing and egressing the coach depot, (the application site).

4.8 COMMENTS ON REPRESENTATIONS RECEIVED

The history with regard to previous planning applications is non-existent although map records and aerial photographs confirm that a commercial garage and depot is long established at the site. The concerns expressed by residents regarding the movement of vehicles, (buses and coaches) from the site relates to the established use over which the Local Planning Authority has limited control.

The concerns raised by the former and current owners of 1 Glannant Road have been referred to the Public Protection Section but are also the subject of a separate enforcement investigation by this Department and do not prejudice the determination of this planning application.

4.9 APPRAISAL

The introductory sections of this report provide a brief summary of the application which seeks retrospective permission for a staff car parking area to serve an existing bus and coach depot. The Design and Access Statement that accompanies this application provides supporting information and a brief review of national policy. It is understood that the rationale behind the application is the health and safety of the applicant's employers and the need to provide a separate area of staff car parking. The submitted form indicates that no additional staff will be employed but there is no indication whether removing staff car parking from the existing site will allow more commercial vehicles to be introduced.

At the time of submission, the Bridgend Unitary Development Plan (UDP) was the adopted policy document. Under the UDP the existing and extended depot were located within the countryside. In line with national policy, the former policies sought to protect the countryside, believing that new development should benefit the rural economy, and maintain or enhance the environment. Policy EV1 of the UDP was the starting point for assessing the application.

Planning Policy Wales guides authorities to determine applications in accord with adopted plans unless material considerations dictate otherwise. Authorities should however adopt a positive and constructive approach to applications for economic development, taking account of the likely economic benefits that a development may provide.

On the 18th September 2013, the Council adopted the Bridgend Local Development Plan. Under the new plan, the existing depot was included within the settlement of Evanstown (Policy PLA1 refers). The extended site which includes the staff car park, however, still projects some distance beyond the boundary into the countryside and an area designated as a 'Secondary Coal Resource Safeguarding Area'.

Policy ENV1 represents the starting point for the assessment of all applications in the countryside. It states that development in the countryside will be strictly controlled and maybe acceptable where it is necessary for:-

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/ farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;

- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
- 8) The direct replacement of an existing dwelling;
- 9) Outdoor recreational and sporting activities; or
- 10) The provision of Gypsy Traveller accommodation.

The policy confirms that where development is acceptable in principle in the countryside it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

Planning Policy Wales (Edition 5 / November 2012) (PPW) guides authorities to determine applications in accord with the adopted development plan unless material considerations dictate otherwise. PPW states that the planning system should support economic and employment growth, alongside social and environmental considerations, within the context of sustainable development. Authorities should also adopt a positive and constructive approach to applications for economic development, taking account of the likely economic benefits that a development may provide.

Given the above, the main consideration in the determination of this application is whether there are material considerations which outweigh the normal presumption against development in this countryside location.

ENV1 confirms that development will be strictly controlled in the countryside but does provide a list of uses and activities that may, in principle, be acceptable. Although rural enterprise is one of the noted exceptions, the development of a staff parking area in association with an existing use does not qualify as such an enterprise.

Supporting statements submitted with the application do however indicate that the development of the parking area is necessary for the health and safety of staff and to remove problems with on-street car parking on Glannant Road. The applicant does however acknowledge that no additional jobs will be created as a result of the development and in planning terms, the location of the business is far from ideal. It is however a long established business which undoubtedly provides some local employment (drivers, support staff etc.) and, if the development were to secure jobs in this local business that would generally be supported by national planning policy.

Creating the staff parking area involved the importation of a significant amount of material, formed into an embankment that projects some 30 beyond the original boundary of the garage compound, into the countryside. Although the scheme is greatly reduced from that originally submitted it does represent a significant incursion into the countryside and, in its current form, to the detriment of the visual

amenities of the surrounding area. The applicant has, however, acknowledged that implementing the works without the benefit of planning permission was the incorrect approach and has offered to provide extensive landscaping over the slope of the embankment and adjacent areas. Although no details have been submitted a condition could be imposed requiring the submission, agreement and implementation of such works through the grant of planning permission. It is considered that the implementation of a landscaping scheme, incorporating a mix of native, deciduous and evergreen trees would, over time, mitigate the harmful impacts of the works.

Whilst under certain circumstances the development would be unacceptable, given that the staff parking will improve highway safety, is necessary to support the existing business and the visual impacts of the works can be addressed through a landscaping scheme, the development in this instance is on balance considered acceptable.

The development will only marginally affect the adjacent mineral safeguarding area and will not impact on the working of that resource, if required, in the future. Furthermore, the reduction in the size of the embankment also ensures no conflict with public rights of way.

Whilst determining this application Policies EV1, EV7, EV10, EV16, EV17, EV45 and E11 of the Bridgend Unitary Development Plan and SP2 PLA9, ENV1, ENV7 and ENV9 of the Bridgend Local Development Plan were considered.

4.10 CONCLUSION

This application is recommended for approval because the development complies with Government and Council policy and subject to the implementation of a landscaping scheme, should not adversely affect the visual amenities of the area to such an extent as to warrant a refusal of planning permission.

5.0 Effect upon Policy Framework & Procedure Rules

5.1 Whilst the proposal is deemed to be out of accord with the adopted Bridgend Local Development Plan, this application is recommended for approval on the basis that the staff parking is necessary to support this existing business and that the harmful impacts of the works could be addressed through a landscaping the scheme. The development would not be so detrimental to the countryside protection policies of the Local Development Plan, visual amenity, highway safety or residential amenity so as to warrant refusal.

6. Equality Impact Implications

6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Financial Implications.

7.1 None.

8. Recommendation

That the Council resolves to approve planning application P/12/861/FUL subject to the following conditions:-

1. The use of the extended yard area hereby approved shall be restricted to that of staff parking and for no other purpose whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains effective control over the development in the interests of highway safety.

2. Within 1 month of the date of this permission a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include proposals for surface treatment, indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection and full details of all new tree planting.

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

3. All landscape works shall be carried out in accordance with the details approved in connection with condition 2 of this consent and within three months of the date of this permission or in accordance with a programme agreed with the Local Planning Authority.

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

4. Within 1 month of the date of this permission a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas shall be submitted to and agreed in writing by the Local Planning Authority. The landscape management plan shall be carried out as agreed and for a period of five years from the date of the implementation of the agreed landscaping scheme.

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

5. Within 1 month of the date of this permission a scheme of retaining works for the boundary of the embankment with the watercourse and including measures to alleviate the undercutting of the embankment shall be submitted to and agreed in writing by the Local Planning

Authority. The retaining works shall then be constructed in accordance with the agreed details and within three months of the date of this permission.

Reason: In the interests of safety.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

This application is recommended for approval because the development complies with Government and Council policy and subject to the implementation of a landscaping scheme, should not adversely affect the visual amenities of the area to such an extent as to warrant a refusal of planning permission.

Footpath 14, Ogmores Valley lies outside and parallel with the eastern boundary of the application site. The Rights of Way Manager requires the following:

The applicant shall ensure that the fill of the elevated land shall be compacted and that the angle of its batter shall satisfactorily retain the new parking area. This will prevent the subsidence of the fill material onto Footpath 14.

The applicant shall provide only inert and non-toxic materials for use in the fill operation to ensure that harmful substances do not permeate down to the adjacent Footpath 14 (and possibly the Ogwr Fach watercourse to the south).

If a fence would also be erected at the base of the embankment adjacent to Footpath 14 at the east side of the site, it shall not contain barbed wire.

The applicant shall ensure that the proposed 2.4 metre high steel palisade fence at the top of the embankment is securely erected and soundly fixed into the area of fill.

The applicant should be reminded that any works within 7 metres of the Ogwr Each (Main River) will require prior written consent under the Water Resources Act 1991.

The Environment Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourses definition as Main River or Ordinary Watercourse. The responsibility for general maintenance of the river and its banks rest with the riparian owner.

It should also be noted that works abutting the watercourse will require a temporary works Flood Defence Consent. The developer should contact the Flood & Coastal Management section, with additional information in regard to the retaining the embankment and how they

propose to undertake the works and how they propose to alleviate the issue of undercutting the adjoining embankment.

**MARK SHEPPARD
CORPORATE DIRECTOR COMMUNITIES**

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Background documents

Planning Application file P/12/861/FUL
Bridgend Unitary Development Plan
Bridgend Local Development Plan