

REFERENCE: P/16/472/FUL

APPLICANT: Ward Jones Bridgend Ltd c/o John Matthews, 47 Anglesey Way, Porthcawl, CF36 3qp

LOCATION: Land off Horsefair Road Waterton Ind Estate CF31 3YN

PROPOSAL: Private car park area and outside storage compounds comprising the provision of hard surfacing (SUDS) & substantial boundary landscaping

RECEIVED: 23 June 2016

SITE INSPECTED: 17th July 2016

APPLICATION/SITE DESCRIPTION

The application site lies to the rear of Units 11-13 Horsefair Road on Waterton Industrial Estate. Its southern boundary immediately adjoins the Vale of Glamorgan with the village of Treoes beyond to the south and south east. Nant Ganna, a small stream lies just beyond the eastern boundary, with the Royal Mail depot and an existing container storage operation forming the western boundary of the site.

In 2015, planning permission was granted to change the use of what was at the time, an undeveloped area of land to uses falling within Classes B1, B2 and B8 of the Use Class Order 1987- the land has long been identified for employment development and is specifically allocated and protected for such purposes under Policy REG1 (8) of the Bridgend Local Development Plan. Planning permission P/15/132/FUL was subject to a number of pre-commencement planning conditions that sought to control future development, in the interests of visual amenities, to promote nature conservation, to prevent flooding and to safeguard the amenities of residents.

Approximately 12 months ago, the new landowner commenced site works which principally related to the clearance of site vegetation but also involved the removal of a number of mature trees on the southern and eastern boundaries. The developer's actions resulted in significant representation being made by the residents of Treoes and investigations followed. The applicant maintained that the site clearance works did not constitute development and had been carried out in a manner agreed by the ecologist who had submitted the ecology report that has accompanied the 2015 application. The applicant's agent contended that the tree works had been undertaken on the advice of a consultant arboriculturist and that only trees that were wind damaged, decayed or dying had been removed. Whilst the actions of the applicant transformed the appearance of the land, they did not constitute a planning breach that warranted enforcement action, at that time.

In June of this year, Ward Jones (Bridgend) Ltd submitted this application to develop a private car parking area and outside storage compounds, comprising the provision of hard surfacing and landscaping on the southern and eastern site boundaries of the site. The application form acknowledges that works had commenced in May 2016.

A Planning, Design and Access Statement accompanied the application and confirmed that the private parking area was "to serve some of the substantial car parking needs of the nearby CGI operational premises". The submitted plans show the car parking area occupying the northern part of the site, immediately to the rear of the existing units. A total of 150 spaces are proposed in a series of bays with internal access roads,

Application Number

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Scale 1:2500

**Date Issued:
20/10/2016**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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connecting to the existing site access. Improvements to the existing arrangements are proposed with the provision of a 1.5m wide, hard surfaced footway linking the car park to the public highway. Lockable gates to the highway and footway are also proposed.

The car park element of this application is in part retrospective as works have already commenced in the forming of the parking area which has comprised the laying of a 200mm depth of compacted crushed stone with the surface topped with 100mm of road planings. The parking area has been enclosed by 2m high fencing and a series of floodlighting columns (18 no.) on the northern and southern boundaries of the car park. The angled floodlights are approximately 4.5m above ground level and will be operational during all reasonable working hours.

The remainder of the site will be used for outside storage and the provision of landscaping, in the form of localised earth bunds with new native whip planting. A number of the remaining mature trees form part of the landscaping scheme.

The outside storage areas are defined on the revised 'Proposed Site Layout' plan submitted on 9th September and will include three areas. An area of land immediately to the east of the car park is being used for the storage of old locomotive cabs with the plan indicating a maximum of 13 cabs on site. The restoration works are undertaken by a local group as a hobby more than a commercial operation - the use has previously taken place on a small area of land to the rear of TBD UK Ltd to the west of the site. A recent visit confirmed that storage buildings have also been introduced to this part of the site which the applicant indicates are used to store equipment and parts associated with the restoration works.

The central part of the site is to be used for the siting of steel storage containers, approximately 222 units, each measuring 6m x 2.5m with a flat roof reaching an approximate height of 2.2m. The containers will be permanently stored and used as a self-storage facility. The planning statement indicates that the storage containers will need to be available for client/customer access between 07:00 hours and 23:00 hours during weekdays, weekends and Bank Holidays.

The site layout plan confirms that the southern section of the site will be used for the storage of caravans, campervans and similar storage vehicles up to a maximum of 108 vehicles. The plan indicates a series of parking bays accessed through the proposed containerised storage units. The outside storage areas will also be surfaced as per the car park and enclosed by 2m high security fencing.

RELEVANT HISTORY

P/15/132/FUL - Change of Use Of Land To B1/B2/B8 - Land Adj Ward Jones (Bridgend) Limited Horsefair Road Waterton Industrial Estate Bridgend - Conditional Consent - 18th June 2015.

PUBLICITY

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The period allowed for responses to the publicity undertaken expires on 20th October 2016.

NEGOTIATIONS

Commenced on 20th July 2016 and requested additional information to enable the Council to fully assess the impacts of the proposed uses against all the policies of the adopted development plan for the area.

CONSULTATION RESPONSES

VALE OF GLAMORGAN BOROUGH COUNCIL: An objection is raised to the proposed change of use due to the lack of information on the proposed parking and storage use to fully assess the proposal. No transport assessment has been provided to clearly demonstrate the need for the parking provision, while no noise assessment has been submitted to demonstrate that the use would have no harmful impact upon nearby residential amenity by way of potential noise and disturbance at unsociable times of the day/night. Moreover, no drainage strategy has been provided to clearly demonstrate that the development would not result in an increased risk of flooding to the adjacent residential sites.

DESTINATION & COUNTRYSIDE MANAGEMENT Any further tree felling should be preceded by an assessment of their bat potential. The use of ash in any landscaping scheme is no longer appropriate

NATURAL RESOURCES WALES: We recommend that planning permission should only be granted if you attach planning conditions in relation to the following:

- Biodiversity - A condition to protect a 5m wide vegetated buffer to include the remaining tree line of the southern and eastern boundaries. The zone should remain free from built development. A bat survey of the trees should also be submitted.
- Japanese Knotweed - a condition requiring a method statement to be agreed to put appropriate measures in place to avoid the spread of these invasive species.
- Landscaping - we support the retention of any mature trees/landscape features on site - this should form part of a comprehensive and robust landscaping scheme.

The site is located within the C2 zone but as the proposed development is considered low vulnerability, we do not object to this proposal.

HEAD OF STREET SCENE (DRAINAGE): Recommend that conditions are attached to any consent in relation to site drainage.

COYCHURCH LOWER COMMUNITY COUNCIL: No objection but request that the bund and planting scheme are in place before any caravans or containers are moved to the site - this is to ensure that the residents of Treoes are safeguarded.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the following:

Treoes Action Group, The Stables, Parc Newydd Farmhouse, Malthouse, Ty Phillip Farm, Trelaun, Pant Glas, Ty-Gwyn, Bodafon, The Croft, Summerfield, , Ty Onnen, Great House, 18, Yr Efail, Ty Newydd, , Foxwood, Copperfield, Stoneybrook,

Caeffynnon, Rhoslanog, Clifton House, Gwyndy 2 Llys Ty Mawr, Ffaur Llewod, Awelon and,14 and 21 Brookside,

The following is a summary of the objections received:

1. The site has been developed contrary to previous planning conditions imposed on application P/15/132/FUL - the developer completely ignores planning conditions -
2. Lack of information (noise report, flood risk assessment, drainage details - the submission is far from comprehensive - uncertain as to nature of the proposed uses
3. The noise levels from existing uses are currently unacceptable - the development will exacerbate the situation - proposed hours of working are unreasonable.
4. Restoration works will generate noise and disturbance - this is not light industry - spraying of cabs will discharge airborne products contrary to Health and Safety Regulations.
5. Additional lighting across the car parking area will cause light pollution to properties in Treoes - floodlighting has already been installed.
6. The development will have a serious visual impact on the amenities of the village of Treoes - privacy will be compromised as a result of the developer's previous actions. There is no indication on the height of the steel storage containers which could be stacked.
7. The tree felling and removal of vegetation has devastated the site - the proposed landscape buffer is totally inadequate and will not replace the vegetation that was previously removed.
8. The development will not result in the provision of any employment so does not fully accord with the policies of the development plan.
9. Car parking facility so close to commercial operation is unsafe - the access is shared with the Post Office Depot - no proper segregation of vehicle and pedestrians.
10. Car parking area should only operate during the working hours of CGI which is daytime only and no weekends and Bank Holidays. Car park will be used for the parking of HGV vehicles overnight
11. Stoning of the area could result in drainage problems and possible flooding of adjoining land - the land is situated over an aquifer with two well heads for potable water - the introduction of highway plantings may result in contamination.
12. The site is crossed by a water main and gas line - the developer has failed to adhere to the advice on the protection of the apparatus during the recent works
13. Devaluation of property

Representations have also been received from Llangan Community Council objecting to the development on the basis of a lack of information on the proposed uses and the loss of amenity for the residents of Treoes.

Alun Cairns MP (Vale of Glamorgan), Jane Hutt (AM) and Andrew RT Davies (AM) have also written on behalf of their constituents and have reaffirmed the aforementioned concerns with a request that consideration is given to the 2002 appeal decision which considered the relationship of commercial development to the community of residents and the potential impact on the amenity of residents. Reference is made to the inadequacy of the information that has been submitted in connection with site drainage, the method of moving the steel containers, and the proposed access arrangements.

COMMENTS ON REPRESENTATIONS RECEIVED

1. In granting planning permission to change the use of the land, the Council imposed a number of planning conditions that sought to prevent site clearance, the removal of trees and the subsequent management of the site's ecology, through a Construction Environment Management Plan, Landscape and Ecology Management Plan and an Ecological Design Strategy. Planning conditions however only take effect when the planning permission is implemented and in this case the applicant's agent maintained that the permission had not commenced. Site clearance works do not constitute development and on the basis that the trees and vegetation were not afforded any protection under planning legislation (Tree Preservation Orders), the Council were in the unfortunate position of not being able to prevent the developer's actions. The Council would however contend that when the developer initiated works (engineering works) in the forming of the car park, the storage of additional containers and the locomotive cabs, development had commenced and the conditions that were imposed on the 2015 permission were being breached. The applicant's agent in the planning statement suggests that the 2015 permission is not being pursued and that the new application represents a new planning chapter. Whilst the Council has a duty to determine the submitted application, which may be a means of addressing previously breached conditions, it does not however prevent the Council pursuing enforcement action if that was considered appropriate. Furthermore, as the pre-commencement conditions attached to P15/132/FUL were not properly discharged, the implementation of that planning permission may not be lawful. It is however open to the Council to impose planning conditions, even on the retrospective development regarding the provision of replacement landscaping and other control over the existing and future development of the land. On the basis of previous events, residents maintain that further conditions will only be ignored by the developer. Whilst their frustrations are noted, nothing within legislation or planning case law indicates that developer's previous failings can be given weight in the determination of an application. The developer's actions are not grounds for refusing this application.
2. The level of information that accompanied this application when originally submitted in June was sufficient in terms of the validity of the application for registration purposes but did not allow the proposal to be fully considered by both the community and the Local Planning Authority. The 'Proposed Site Layout Plan' received on 9th September provides more detail and this has been the subject of a recent re-consultation with the residents and all statutory consultees. The application has not been accompanied by a noise report but on the basis of the recent discussions with the Council Neighbourhood Services Officer (Public Protection), control over the hours of operation, revisions to the siting of the container and enhanced screening and planting along the site boundaries negate the need for such a submission. Natural Resources Wales recognise the site's location within a C2 Flood Zone but because of the nature of the use, have not required a Flood Consequence Assessment. Limited information has been provided

in terms of site drainage and it is understood that residents have met with a representative of the Land Drainage Section. It is however considered appropriate to implement a condition controlling site drainage rather than require this information upfront.

3. The Department has received numerous communications from residents of Treoes complaining about noise emanating from Waterton Industrial Estate. The alleged source of the problem has included the existing Ward Jones container storage operations, the Royal Mail Depot, TBD UK Ltd and SAS. Of these operators, only TBD UK Ltd has a planning condition that controls hours of use and this has been the subject of a recent application which was considered by the August Development Control Committee meeting. The Vale of Glamorgan Council are the investigating department on the noise specific complaints but on the basis of the information provided with this application and following a recent visit to site, the Council's Neighbourhood Services Officer has indicated that the 'proposed uses' should not result in unacceptable levels of noise that would normally be associated with activities on an industrial estate.
4. The Neighbourhood Services Officer in the initial observations, sought clarification on the type of equipment that would be used in the restoration of the locomotive cabs. The applicant has indicated that no power tools, angle grinders are used on site. If such work is necessary, it is understood that the cabs are taken from site. In such circumstances, a condition preventing the use of equipment that may generate noise could be imposed on any permission granted. It is assumed that paint will be applied to the cabs as part of the restoration process but there is no evidence submitted to suggest that the fumes would impact on the living conditions of residents given the specific distances separating the site from existing houses. Other legislation regulates the use of airborne product.
5. Downward facing LED floodlights were proposed on the submitted layout and have recently been erected in the manner described in the introduction to this report. Photographs submitted by residents indicate that floodlighting shines towards existing houses in the nearby village but examination of the lighting units indicates that the floodlights could be adjusted to ensure that the light is directed on the car park this minimising light spillage. A condition can be imposed preventing the use until adjustments to the lighting has been made. In addition, the use of the floodlighting will be tied to the operation of the car park.
6. Although the developer's actions have transformed the appearance of this site, in allocating the land for industrial development, it was inevitable that its character, which was defined by semi-improved grassland with broad leafed trees and hedgerows on the boundaries, would change. The scale of the clearance works may reasonably be questioned by residents and the views into the site are now more open. This application represents an opportunity to repair some of the previous damage and to establish a new landscaped belt along the critical site boundaries. It is acknowledged that a number of the trees that were felled were done so on arboricultural grounds, as described in the earlier section of this report. The visual amenities that were enjoyed by the residents have been significantly changed and viewing steel containers and locomotive cabs does not compare favourably to the trees and hedgerows that framed the previous views. Again, however consideration has to be given to the site's allocation in the Bridgend Local Development Plan and

the reasonable expectation that the site would be developed for industry which could involve the construction of new buildings, with service yards and storage compounds. The Council will seek to control the replacement landscaping to ensure that it is provided prior to any additional outside storage taking place on site. On this objection, the Council concedes that the amenity of residents has been affected but opportunities do exist to limit the impacts in the medium to long term.

7. Tree felling has been considered in the previous section but residents have also referenced the layout plan that accompanied the 2015 application which included the 'retention' of landscaping belts on the southern and eastern boundaries at depths varying from 5-10m. The 'Landscape Area Protected Zone' on the latest site layout plan proposes depths from a minimum of 5m to a maximum of 10m which do not differ significantly from the previous application. Subject to the design of the landscape feature, incorporating the existing mature trees, localised earth bunding, where necessary and dense tree planting, it can achieve an appropriate replacement to the trees, improving the appearance of the area and in the longer term promoting nature conservation. A condition will be imposed requiring the agreement of a revised landscaping scheme to address the comments received from the Council's Ecologist and Natural Resources Wales.
8. Question 18 on the application form provides information on the number of employees resulting from the development. 'Not Yet Known' is the response. The objectors have identified that the site is allocated and safeguarded for employment uses but have questioned the value of the development in the context of the policy if it does not provide employment. The agent has indicated that only the car park will be completed and become operation at this time, with the remaining uses being dependent on market interest. Storage type uses are often not labour intensive but nonetheless they constitute an economic activity that may generate wealth, jobs and income. Furthermore, the provision of the car park will not only remove vehicles from the public highway but will also provide improved facilities for CGI employees which may assist in sustaining existing and creating new jobs. With the requirement to give weight to the broader economic benefits of development, as set out in national policy, sustaining an objection on the number of jobs that will be created would be difficult.
9. The Head of Street Scene (Highways) accepts that the existing access arrangements are not able to accommodate the additional vehicle movements that will be generated by the proposed uses and as such improvements will be required to allow the safe movement of vehicles and pedestrians - this will be secured through planning conditions.
10. Conditions will be imposed to ensure that the car park will operate in conjunction with the CGI business and will not be used for the storage of Heavy Goods Vehicles.
11. On matters such as site drainage the Department is in part, reliant on the advice of the statutory consultees and although it will be necessary to impose conditions requiring the agreement of site drainage works, there has been no indication that an acceptable scheme cannot be achieved on this site. Natural Resources Wales have not identified an aquifer or the potential for site contamination in their consultation response.

12. Referencing the responses received from Dwr Cymru Welsh Water and Wales and West Utilities on the previous application, confirms the existence of a water and gas main beneath the car park. The protection of such apparatus is the responsibility of the developer and the relevant statutory undertaker. Their existence has previously been brought to the attention of the developer and any conflict with the operational conditions for works in the proximity of the mains would be enforced by the relevant organisation and not this Council.

13. Devaluation of property is not a material planning consideration.

APPRAISAL

The application is referred to committee for determination in view of the objections received from the residents of Treoes and Llangan Community Council.

The application seeks retrospective consent, in part, for the car park and locomotive storage and permission for the various open storage uses and new landscaping along the site boundaries on Waterton Industrial Estate. The site is allocated and protected for employment development falling within uses B1, B2 and B8 (as defined by the schedule to the Town and Country Use Classes 1987), Policy REG1 (8) of the Bridgend Local Development Plan (2013) refers.

Whilst the storage and repair of locomotive cabs and 'open storage' uses fall within Classes B2 (General Industry) and B8 (Storage or Distribution) respectively, the car park use is not so clearly defined in terms of the Use Class Order. Parking areas associated with factories or offices would fall within the single planning unit and therefore either a B1 or B2 use. In this case, the car park would serve a different site and planning unit and therefore would possibly be considered as a sui generis use. Policy REG 2 of the Bridgend Local Development Plan does recognise that sui-generis uses may be appropriate on allocated sites and as the car park will serve an established and expanding business, it is considered an appropriate use of land in the context of the Development Plan. The supporting text in the Development Plan indicates that a variety of sites suitable for all types of employment uses of varying size and type have been identified. National policy requires Local Authorities to place a greater emphasis on the likely economic benefits of a development with the numbers and types of jobs expected to be created or retained on a site, in the determination of any planning application for economic development.

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications. Having good road connections within and outside the site, to ensure efficient use; avoiding or minimising noise, soil and water pollution, safeguarding and enhancing biodiversity and green infrastructure, safeguarding the amenity of neighbouring uses/occupiers and incorporating appropriate arrangements for the disposal of foul sewage and surface water are the relevant criteria for the purposes of this application. Policies SP3 (Transport), PLA11, (Car Parking), ENV6 (Nature Conservation) and ENV7 (Natural Resource Protection and Public Health) are also part of the policy framework against which this application must be assessed, in the context of the significant local objection and the responses received from our consultees.

There has been a longstanding commitment to develop Waterton Industrial Estate for a range of commercial and industrial uses in various iterations of the development plan

over a number of years. The 2015 permission recognised the site's allocation and consent was issued for the land to be developed for B1, B2 and B8 uses. The previous section has considered the former permission, the planning breaches and the level of information submitted with this application. The key impacts in the context of the policies are discussed as follows:

SAFEGUARDING THE AMENITY OF NEIGHBOURING USES/OCCUPIERS (POLICIES SP2/ENV7)

This is undoubtedly the key issue in the determination of the application with the village of Treoes being due south/south east of the application site boundary and the nearest property, 4 River Court, being 44m from the site. This is a relatively recent development with the more established properties on Parc Newydd being some 130m from the southern boundary of the application site.

Protecting the living conditions of residents covers a range of issues in the context of this application and the previous section considered the visual impact of open storage on the land, noise from the respective uses and light pollution.

Introducing commercial development to this site was likely to have an impact on the levels of amenity that have been enjoyed by the residents but the critical issue is the significance and whether, under the current planning legislation, adequate controls can be imposed on the existing and future use of land. On the basis of the responses received from consultees and a review of the site circumstances, the impact on the residents in terms of noise, air quality, light pollution does not demand a refusal of permission. They are matters that can be addressed by conditions and can be enforced should the developer fail to comply. Whilst the provision of landscaping along the site boundaries does not provide the immediate impact and screening value of the mature trees and hedgerows that were removed, it can be designed to provide an acceptable level of screening that in time will mature to provide a significant landscape feature that increasingly will become of value in biodiversity terms. Despite the significant level of objection, it is considered that a controlled development can safeguard the living conditions and well-being of the immediate residents, and the wider community of Treoes.

Section 3 of 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 compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are: * a prosperous Wales, * a resilient Wales, * a healthier Wales, * a more equal Wales, * a Wales of cohesive communities, * a Wales of vibrant culture and thriving Welsh language and * a globally responsible Wales.

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

SAFEGUARDING AND ENHANCING BIODIVERSITY AND GREEN INFRASTRUCTURE (POLICIES SP2/ENV6)

The Ecological Survey that accompanied the previous application indicated that the main features of nature conservation interest were around the site margins. The report stated that it would be possible to retain much of the site's value for biodiversity by

leaving a belt of trees around the boundaries which would also have been consistent with general landscape and amenity considerations relating to the adjacent countryside and nearby village of Treoes. All other site clearance works should have been timed to avoid birds and small mammals and reptiles. As referred to in an earlier section of the report, the trees were not formally protected and the site clearance works did not constitute development and therefore fell outside of the controls of the 2015 permission. The applicant's agent maintains that the only trees felled were done so on arboricultural grounds and that the timing of the site clearance works would have avoided conflict with any protected species. The Council recognises that such actions have transformed the appearance of the site, particularly when viewed from the adjacent village but there is scope through any future permission to introduce new native tree planting which will contribute to the Council's Green Infrastructure objectives.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public 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." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. In this case, the retained trees offer potential habitat for protected species and although the majority will form part of the 'Landscaping Area Protected Zone', a number of trees identified in the tree consultant report will be felled. Prior to such works being undertaken, a competent ecologist will have to undertake a detailed check for bat roosts and active birds' nests immediately before the trees are cleared and provide written confirmation that no bats or birds will be harmed and/or that there are appropriate measures in place to protect bats and nesting birds on site - this will be secured by a planning condition.

INCORPORATING APPROPRIATE ARRANGEMENTS FOR THE DISPOSAL OF FOUL SEWAGE AND SURFACE WATER (POLICIES SP2/ENV7)

Although the level of information submitted concerning site drainage is limited, the Council's Land Drainage Engineers have not opposed the development but have recommended the imposition of a pre-commencement planning condition requiring the agreement of a comprehensive drainage scheme dealing with both the disposal of foul and surface water. It is, however, noted from the submitted plans that a permeable rather than an impermeable surface is proposed on site, contrary to the view expressed by a number of objectors. Any drainage scheme agreed for this site should ensure no adverse effect on third party land.

HAVING GOOD ROAD CONNECTIONS WITHIN AND OUTSIDE THE SITE, TO ENSURE EFFICIENT USE (POLICIES SP2/SP3/PLA11)

The Head of Street Scene (Highways) believes the highway network in the industrial estate can accommodate the additional traffic generated by the proposed development and it has not been necessary for the application to be accompanied by a Transport Assessment. The current layout of the shared access into the site is not able to accommodate the additional vehicle movements generated by the proposed use. The access to the site also currently serves a neighbouring facility which is considered to generate a significant amount of HGV movements. Therefore in order to ensure that there is no conflict between the existing HGV uses and the proposed car parking and caravan storage movements, the Council will require a scheme to provide a substantial physical barrier between the accesses to the two sites.

Furthermore it is considered that the car park element of this scheme will generate a significant increase in both vehicular and pedestrian movements in an around the access junction to the proposal site. It is therefore essential that the improvements to the junction are undertaken before beneficial use of the site commences. It is acknowledged that the provision and construction of the carpark element of this proposal is well advanced so accordingly the conditions will be worded so as to prevent any further development. Therefore the required conditions seek the implementation of these works before any further development on the site is undertaken or before the car park is brought into beneficial usage in the interests of highway and pedestrian safety.

The Council acknowledges that the substance of local views must be considered in the determination of an application and, in this case, significant amount of opposition has been received from neighbouring occupiers, the community council and local politicians. It is, however, considered that the development accords with Council policy which seeks to deliver a range of sites for the whole spectrum of B Classes, sui generis uses and other uses that require an industrial location. The development also accords with all the other relevant policies in the Development Plan but, to ensure that the living conditions of adjacent residents are safeguarded, any loss in biodiversity interest is compensated for and that appropriate drainage arrangements are provided on site, a number of planning conditions will need to be imposed on any permission that is granted.

CONCLUSION

Having regard to the above, this application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy, is in a location that is allocated for the uses as proposed and offers an opportunity to retain control over the future development of the site.

RECOMMENDATION

(R64) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: Proposed Site Layout received on 19th October 2016. The site shall only be used for the following:

a) An overspill car parking area to be used in association with CGI Business and Management Consultants, Waterton Industrial Estate, Moor Road Bridgend and not for

the parking of any other vehicles or the storage of any containers or equipment, (Area shaded red on the 'Proposed Site Layout' received on 19th October 2016).

b) The restoration of Locomotive Cabs (a maximum of 17) without the use of any power tools and for no other purposes including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification (Area marked with a blue circle on the 'Proposed Site Layout' received on 19th October 2016).

c) The storage of steel containers (a maximum of 234 containers). The back row of containers on the south eastern boundary of this part of the site shall be sited such that their doors face towards the car park area. (Area shaded orange on the 'Proposed Site Layout' received on 19th October 2016).

d) The storage of Caravans, Campervans and Motor Home (a maximum of 108) and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification (Area shaded yellow on the 'Proposed Site Layout' received on 19th October 2016)

Reason: To ensure the affective control over the future use of the site in the interests of highway safety and the amenities of residents

2. Notwithstanding the submitted plans no further development shall be undertaken until a scheme detailing the layout of 150 off street parking spaces and associated vehicle circulation has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter.

Reason: In the interests of highway and pedestrian safety

3. Notwithstanding the submitted plans no further development shall be undertaken until a scheme for the provision of junction improvements from the proposed access road onto Horsefair Road, in the form of substantial physical barriers to separate the two access points and give way white line markings, has been submitted to and approved in writing by the Local Planning Authority. The approved junction improvement scheme shall be implemented before any part of the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

4. Notwithstanding the submitted plans no further development shall be undertaken until a scheme for the provision of safe pedestrian access from the footways along Horsefair Road into the proposed development site, including dropped kerbs at the site entrance and segregated pedestrian footway through the site into the proposed car park. The agreed pedestrian access scheme shall be implemented in permanent materials before the any part of the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety

5. The overspill CGI car parking area hereby permitted shall not be used outside the following times: 07.00-20.00 hours Mondays- Fridays. At all other times, the car park shall be secured to prevent access outside the permitted hours.

The restoration of Locomotive Cabs hereby permitted shall not take place outside the following times: - 09:00-18:00 hours on any day.

Access to the steel container site shall not be permitted outside the following times: 07.00-23.00 hours on any day. At all other times, this part of the site shall be secured to prevent access outside the permitted hours.

Reasons: In the interests of safeguarding residential amenities.

6. No steel storage containers shall be stacked/stored on top of one another and no container lifting gear shall be stored or operated on site.

Reason: This consent relates solely to permanent sited storage containers in the position indicated on the area shaded orange on the 'Proposed Site Layout' received on 19th October 2016.

7. Within three months of the date of this permission a scheme to provide sound attenuation measures on the opening mechanisms of the steel containers on site shall be submitted to the Local Planning Authority. The agreed sound attenuation measures shall be installed prior to any individual steel container being used and shall be maintained as such in perpetuity.

Reason: In the interests of safeguarding the living conditions and well-being of the residents.

8. Notwithstanding the submitted plans and within one month of the date of this permission, a landscaping scheme on the area defined as 'Landscaping Area Protected Zone' on the Proposed Site Layout plan received on 19th October 2016 shall be submitted to the Local Planning Authority. The scheme shall include all trees to be removed and retained, earth bunding to a minimum height of 1.5m, planting plans, schedule of trees and shrubs, noting species, plant sizes and proposed numbers and densities. All landscaping works shall be carried out in accordance with the approved details and in next planting season (November 2016 – March 2017).

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

9. If within a period of three years from the date of the planting of any tree that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place.

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

10. No further trees shall be felled on site, until a competent ecologist has undertaken a detailed assessment for their potential to accommodate bat roost sites.

The results of such an assessment shall be submitted to and agreed in writing by the Local Planning Authority prior to any further tree works being undertaken.

Reason: In the interests of promoting nature conservation

11. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved landscaping plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of this consent

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

12. Within three months of the date of this decision, an invasive non-native species protocol shall be submitted and approved in writing by the Local Planning Authority detailing the containment, control and removal of any Japanese Knotweed or other invasive species on site. The measures shall be carried out strictly in accordance with the approved scheme.

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

13. Within two months of the date of this permission a scheme for the comprehensive and integrated drainage of the site showing how road and yard water will be disposed of, including future maintenance requirements, shall be submitted to the Local Planning Authority. The scheme agreed in writing by the Local Planning Authority shall be implemented within six months of the date of the permission and prior to any other storage activities taking place on site.

Reason: To ensure safe drainage of the site.

14. Within one month of the date of this permission a revised lighting scheme for the car park area shall be submitted to the Local Planning Authority. The scheme shall demonstrate that the area to be lit will not result in light spillage affecting the residents of Treoes. The scheme agreed in writing by the Local Planning Authority shall be implemented within three months of the date of this permission

The CGI car parking area shall not be lit outside the following times: - 07.00-20.00 hours Mondays- Fridays and shall be maintained as such in perpetuity.

Reason: In the interests of residential amenities.

15. No external lighting shall be installed on any of the outside storage areas unless details of such lighting, including the intensity of illumination and predicted lighting contours, so that it can be demonstrated that areas to be lit will not disturb residents or prevent bats using their territory or having access to their breeding sites and resting places have been first submitted to, and approved in writing by, the Local Planning Authority prior to first use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of residential amenities and to maintain the favourable conservation status of any protected species on site.

16. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because on the balance of all the policy objectives, it is considered that the development complies with Council and national policy.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None