

**REFERENCE:** P/17/369/RLX

**APPLICANT:** Ward Jones (Bridgend) Ltd c/o John Matthews Planning & Dev., 47 Anglesey House, Anglesey Way, Nottage CF36 3QP

**LOCATION:** Land off Horsefair Road Waterton Industrial Estate Bridgend CF31 3YN

**PROPOSAL:** Variation of conditions 1 and 5 of P/16/472/FUL

**RECEIVED:** 2 May 2017

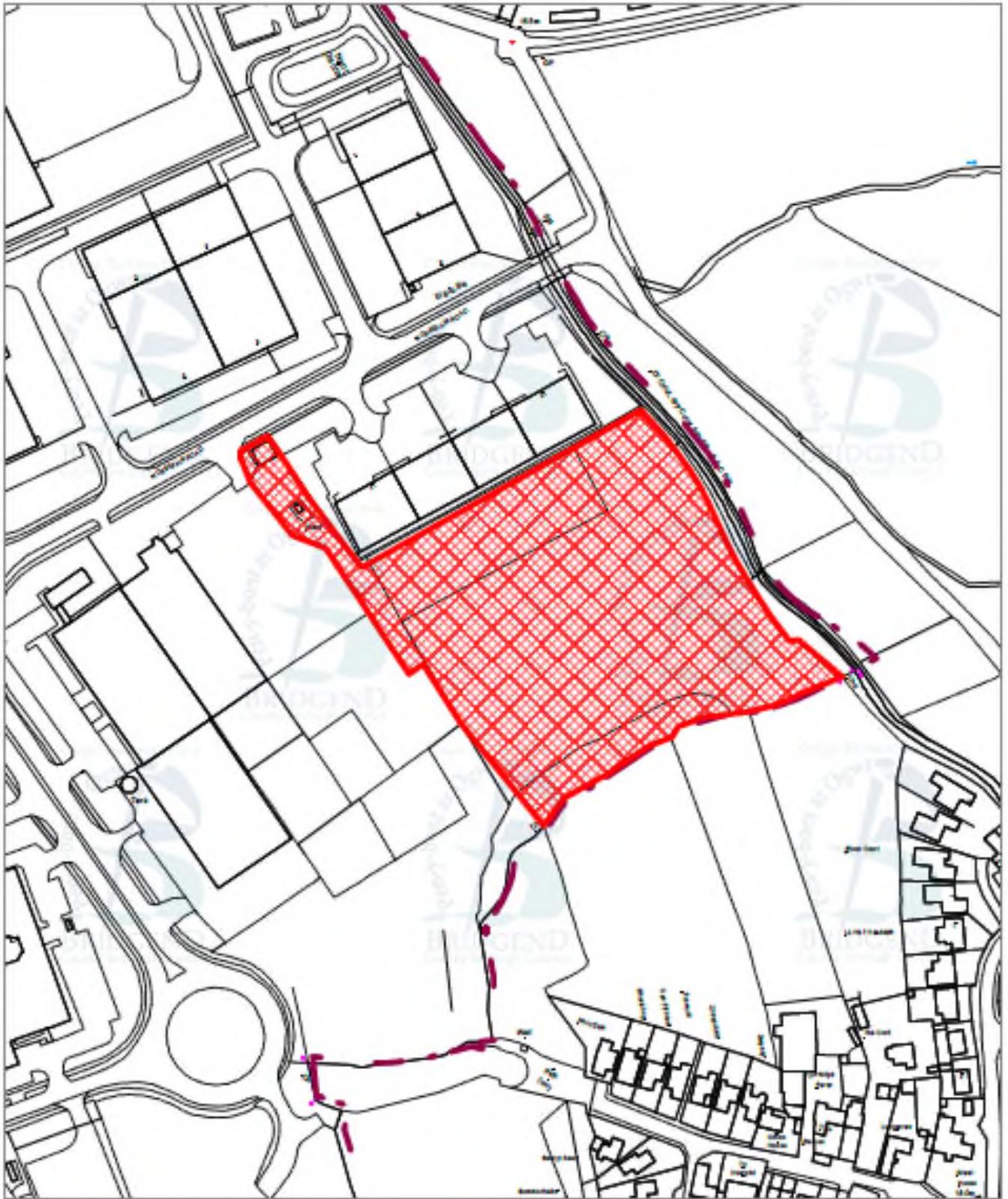
#### **APPLICATION/SITE DESCRIPTION**

In 2016, retrospective planning permission was given for a private car parking area and outside storage facility on land to the rear of Units 11-13 Horsefair Road on Waterton Industrial Estate, (P/16/472/FUL). This application seeks permission to vary planning conditions imposed on the aforesaid permission, in an attempt to regularise the current activities on site.

Application P/16/472/FUL was approved on 28 October 2016 and was subject to 15 conditions that sought to manage the development in the interests of safeguarding the living conditions and well-being of residents, to safeguard highway safety, to promote nature conservation and to ensure the safe drainage of the site. A series of applications to agree the planning conditions followed the 2016 decision, the details of which are recorded in the table below:

<b>Application Number</b>	<b>Details of Conditions Agreed</b>	<b>Date Conditions were Agreed</b>
P/16/926/DOC	Condition 3 - a scheme for the provision of junction improvements from the proposed access road onto Horsefair Road  Condition 4 - a scheme for the provision of safe pedestrian access from the footways along Horsefair Road into the proposed development site  Condition 7 - a scheme to provide sound attenuation measures on the opening mechanisms of the steel containers  Condition 13 – Comprehensive and integrated drainage scheme for the site  Condition 14 – A revised lighting scheme for the car parking area	Agreed on 14 November 2017
P/16/973/DOC	Condition 8 - Landscaping Scheme for the southern and eastern boundaries of the site	Agreed 14 November 2017
P/17/174/DOC	Condition 10 - Bat Roosting Assessment  Condition 12 – Non-native species protocol	Agreed 28 April 2017

The site layout plan that was approved as part of application P/16/472/FUL included the overspill parking area and Locomotive Storage Area along the northern sector of the site with the central portion being used for the storage of steel containers. Caravans, campervans and similar vehicles were to occupy the southern part of the site. A series of



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**P/17/369/RLX**

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access routes were to be created through the site. Areas of new planting, annotated as 'Landscaping Area Protected Zones' were proposed on the southern and eastern boundaries of the site of varying widths from 5-15m.

Uses commenced on site without the aforementioned planning conditions being agreed. The site operator also introduced an additional use that was not the subject of the planning permission, namely the storage of Heavy Goods Vehicles (HGVs). Complaints that power tools were being operated as part of the Locomotive Restoration use were also received by this Council.

Investigations followed which resulted in the submission of application P/16/1011/RLX which sought to vary conditions 1 and 5 of P/16/472/FUL to amend the uses and their locations on the site. The area defined for caravan/campervan storage was to be relocated to the central part of the site and was to include the parking of lorries (HGVs). The storage of steel containers was to be undertaken within the southern section of the site and was to include a continuous line of containers backing onto the 'Landscaping Area Protected Zone' with 2m high wooden gates at either end to allow access to the planted area for maintenance. The application also sought approval to allow unrestricted access to the storage container facility and Locomotive Restoration area by amending condition 5 and removing any restriction on the hours of use. Part (b) of condition 1, which prevented the use of power tools on the Locomotive Restoration area was also to be omitted from the permission.

During the processing of this application, complaints were received regarding the developer's failure to comply with the original planning conditions regulating the hours of operation in respect of lighting and the continued use of the site for the parking of HGVs. Unauthorised works also commenced on the formation of a hard surface across part of the site that was to form a motorcycle training facility. Letters of objections were received from a significant number of residents and the Community Councils. A number of consultees also offered concerns. The re-siting of the steel containers and caravans was not opposed by Shared Regulatory Services (Public Protection) but the storage of HGVs on site and the use of power tools in connection with the locomotive restoration use was considered to be likely to cause an impact on the living conditions of residents and an objection to the application was received. The Council's Land Drainage Section also indicated that a properly formed parking area with a positive drainage system would be required in connection with the storage of HGVs on site. The Council served a Planning Contravention Notice, with the applicant confirming in response that all HGVs would be removed from site. This was eventually carried out and no formal action was pursued. Application P/16/1011/RLX was subsequently withdrawn with the applicant agreeing to commission acoustic and drainage surveys to inform the layout and uses that could be acceptable on site.

In seeking to regularise the operations on site, this application (P/17/369/RLX) was submitted to the Council. As an application submitted under S73 of the Town and Country Planning Act 1990, it enables the applicant to apply to develop or retain development on land without compliance with conditions attached to a previous planning permission. Under this section a Local Planning Authority may amend or remove conditions. A successful S73 application results in the grant of a new planning permission.

This application, as amended on 25 October 2018, seeks retrospective permission for the following:

1. The retention of the overspill parking area operated by CGI Business and Management Consultants in its originally approved location – the hours of operation will remain unchanged.

2. The continued use of that part of the site approved for the restoration of locomotive cabs. Power tools will be excluded as per the original planning condition (Condition 1 (b) of P/16/472/FUL refers) but the applicant is seeking to omit the control on the number of cabs that can be stored and restored at any one time. The latest plan includes two portacabins (11m x 4m) that have been sited within the compound which are used as an office/restroom and store. The north western and north eastern boundaries of the site are currently enclosed by unsightly corrugated sheeting which this application proposes will be replaced by 3m high close boarded fencing.

3. The retention of the Motorcycle Training Centre, operated by BMTC Ltd and located in the eastern half of the central sector. The facility comprises a tarmacked area measuring 32m x 60m which is enclosed by 2m plastic coated wire mesh fencing and 2m high timber fencing on the eastern boundary. Three steel containers on the northern boundary of the compound provide storage and office space for the training centre. Compulsory Basic Training (CBT) for a maximum of 4 clients with 2 instructors is provided. Classes will typically include 4 hours of classroom work and up to 3 hours of riding exercises within the compound. This is followed by 3 hours road training. In a typical day only 3 hours of motorcycle use will be undertaken on the facility training area. The riding of bikes could take place at any time between the opening hours and can be ridden up to 8 hours per day during a busy period. The operator confirmed to the Neighbourhood Services Officer that business clients in the main use training school motor cycles. In the event of them using their own machine, which would only be when they are renewing a CBT certificate, the user would have to produce all the relevant documentation for the vehicle and ensure that it complies with the legislative requirements. Modifications to the bike such as to the exhaust and silencer would not comply with the Construction and Use Regulations and the machine could not be used for training purposes. The application proposes to operate the motorcycle training centre between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 on weekends and bank holidays.

4. The retention of a van storage business which occupies approximately 90 square metres in the central part of the site, immediately adjacent to the motorcycle training centre. The compound has been formed by the compaction of stone and road planings on the original ground, enclosed by a 2m high plastic coated wire mesh fence. Vans and other trailers are purchased, stored and delivered to customers off-site. No repairs are undertaken at any time. The application proposes a limit on the number of vehicles to be stored (30) and proposes the retention of a small portacabin (5m x 2.5m) which has been positioned in the corner of the plot and accommodates a restroom and office. The van storage operation is to be closed outside the following times – 07:00 hours to 19:00 hours Monday to Friday and 08:00 hours to 17:00 hours on weekends and bank holidays.

5. The storage of caravans, campervans and motorhomes which occupies part of the central and southern sectors of the site, over approximately 5000 square metres. Approximately 90 vehicles are parked in a series of defined bays, separated by access tracks. Again the area has been formed by compacting stone and road planings over the original ground. The eastern boundary of this storage facility adjoins an existing container storage operation and an area of undeveloped land to the rear of TBD Owen Holland on Brocastle Avenue. The southern boundary is formed by the landscaping protection zone and a line of steel containers. The storage operation is to be secured to prevent access outside the following times: 07:00 hours to 19:00 hours on any day.

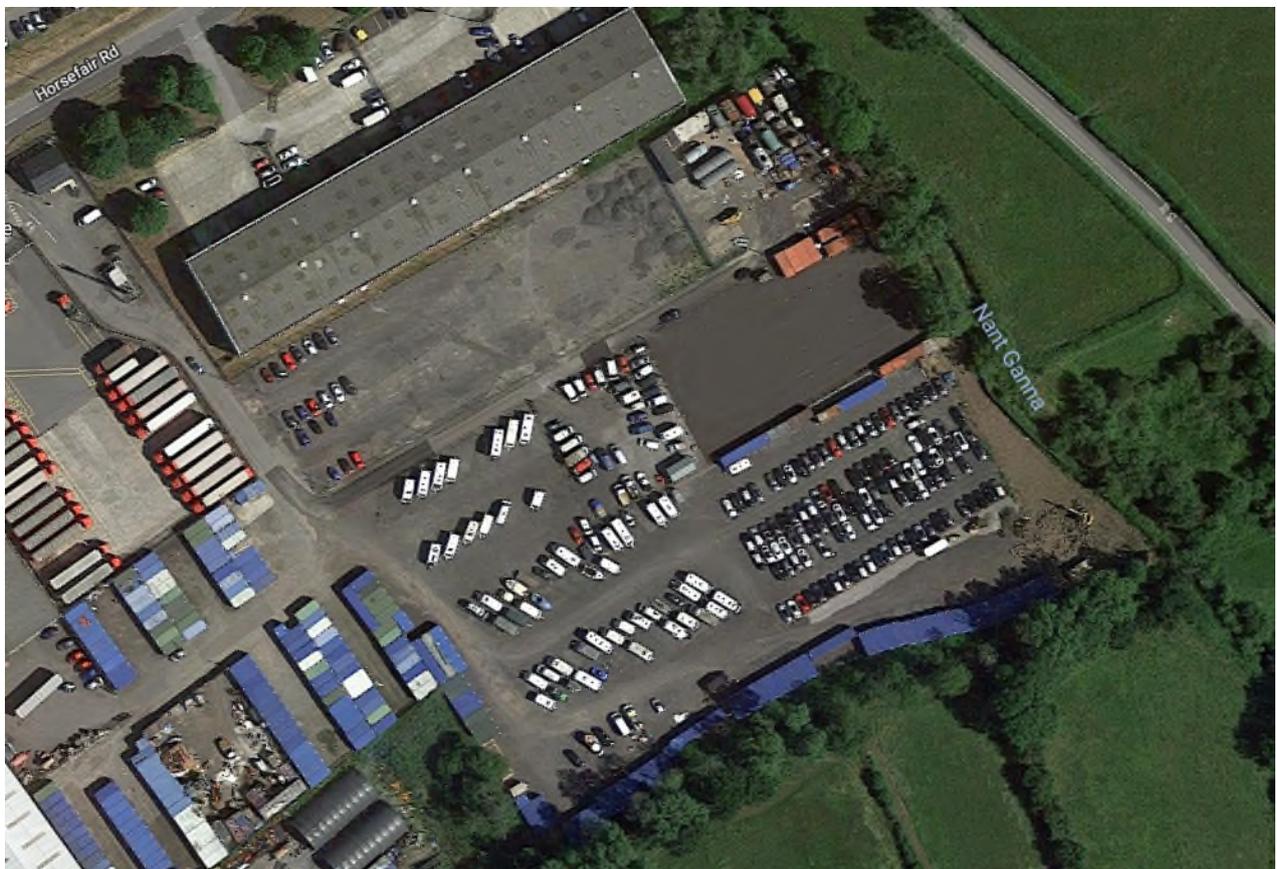
6. A compound that stores new, pre-registered Mercedes Benz motor cars has been formed in the remaining southern sector of the site. The site lies adjacent to the motorcycle training centre, the caravan storage with the southern boundary which is again formed by the landscaping protection zone and a line of steel containers. Approximately

125 vehicles are parked on the land which are either driven to site or brought on a small transporter. The storage operation is to be secured to prevent access outside the following times – 07:00 hours to 19:00 hours Monday to Friday and 08:00 hours to 17:00 hours on weekends and bank holidays.

7. The areas utilised for the storage of steel containers has been significantly reduced with the line of containers having been sited on the southern boundary inside the landscaped bund that has been formed under the original planning permission. Sections of 2.5m high acoustic fencing have been erected in the gaps between the containers. Gates have been created to allow maintenance access to the bund and landscaping. A line of containers has also been situated on part of the northern boundary and along the southern boundary of the motorcycle training facility to act as a noise barrier and to provide storage/office facilities for the business and their customers. Access to the steel containers outside the motorcycle training facility shall only take place during the following times: 07:00 hours to 23:00 hours on any day.

8. Condition 8 of planning permission P/16/472/FUL required the submission of a landscaping scheme for the defined 'Landscaping Area Protected Zone' which adjoined the southern and eastern boundaries of the site. A scheme was approved under P/16/973/DOC which comprised native planting in the form of a mix of whips and standard trees. On the southern boundary, planting was to be undertaken on an earth bund of varying depths. A 7m wide planting area was to be formed on the eastern boundary. This application seeks to relax the requirement for planting on this boundary with the applicant maintaining that the new 2m high timber fence provides the necessary screening along with the existing substantial natural vegetation between the site boundary and the unclassified road linking to Treoes.

The following is a 2018 Google Maps extract of the site showing the site and the current uses:



The application has been accompanied by supporting statements and plans from the applicant's agent and a Noise Impact Assessment and Drainage Strategy prepared by Hydrock Consultants Limited.

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity has expired.

## **RELEVANT HISTORY**

**P/15/132/FUL:** 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, (P/15/132/FUL refers).

**P/16/472/FUL:** retrospective planning permission to develop a private car parking area and outside storage compounds was granted conditional planning permission on 28 October 2016.

## **CONSULTATION RESPONSES**

**Transportation and Engineering:** No objection subject to conditions.

**Land Drainage:** No objection subject to the developer complying with Sections 4.0, 6.0, and 8.0 of Drainage Strategy (Version 4), prepared by Hydrock received by the Council on 7th November 2017.

**The Neighbourhood Services Officer of Shared Regulatory Services:** I have no objection to the latest amended plan and any condition should reflect the amended plan so that the uses do not deviate from this.

**Councillor Elaine Venables (Local Member):** I object to the development for the following reasons:

1. Condition 1 (b) should not remove the limit of 17 (locomotives) as this may have a detrimental impact on noise;
2. Condition 1 (c) the motorcycle training school will have a detrimental impact on noise particularly as this is every day between 07:00 hours and 19:00 hours;
3. Condition 1 (d) (e) (f) – storage of vans, cars and campervans – these are all between the hours of 07:00 hours and 19:00 hours – this will increase the noise for local residents;
4. Condition 1 (g) access to the steel containers – again this will have an impact on noise for neighbours – if increasing the access hours to 07:00 hours to 23:00 hours.

All these conditions have now extended the time of usage outside normal working hours and will include the use at weekends. There is no respite for local residents at weekends or on bank holidays. I would therefore like to see the original kept and new conditions which take into account how near local residents are.

**Coychurch Lower Community Council** is objecting to the application since “we believe that relaxing conditions 1 and 5 as proposed by Ward Jones will have a detrimental effect on the amenity of the residents of Treoes. Specifically increased noise associated with motor cycle training centre and additional van, caravan and container movements. We are particularly disappointed that Ward Jones has consistently ignored previous planning application directives and has not completed the bunds on the perimeters to protect the residents of Treoes.”

**Vale of Glamorgan Council:** The Council would raise no objection to the proposed variation to conditions 1 and 5 subject to the wording being connected to be more precise and enforceable as well as the Environmental Health Section being satisfied that the submitted noise impact assessment demonstrates that the variations in the hours of operation would not result in an unacceptable impact upon the nearest residential property at unreasonable times of the day

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of the following properties:

Pant Glas; Rhoslanog; Caeffynnon; Foxwood; Copperfield; Gwyndy\*; Parc Newydd Farmhouse; The Croft; Bodafon\*; Summerfield; Great House; 14 Brookside; Stoney Brook; The Old Barn; Carreg Melin;

(\* Requested to speak)

The following is a summary of the objections received:

1. Cab storage yard appears to have changed to cab restoration yard with extended hours – numbers of wrecks on site has also increased – the site has a planning category for static storage and not for engineering works – the noise from the use of power tools would be unbearable – restriction on cab numbers has never been enforced by BCBC

2. The motorbike school will operate at times (08:00-19:00 hours weekdays and 09:00-17:00 hours weekends and Bank Holidays) this will cause a loss of amenity to the residents of Treoes – this is intrusive and inappropriate – unsuitable use for this location – noise levels are unpredictable – the submitted noise survey is erroneous and misleading. BCBC should consider imposing the following controls: 09:00-18:00 hours weekdays and 09:00-13:00 hours Saturdays but not at all on Sundays and Bank Holidays

The motorbike school has classrooms and toilet facilities but no means of draining the site

The hardstanding of the motorbike school covers an area approved for landscaping which has not been implemented

The entrance to the site from Horsefair Road is unsafe as the required works to segregate traffic from adjacent Parcel Force yard has not been carried out.

3. The storage of vans is loosely defined – could include much larger vehicles – the site has been used for the unauthorised storage of HGVs (refrigerated and non-refrigerated) in the past – BCBC should specify LGV (Light Goods Vehicles) only. The storage and transportation of HGVs on site would have a significant impact on amenities

4. Access to caravan storage and storage containers will also cause a loss of amenity – noise nuisance and light disturbance – 24 hours access is unacceptable – the limitation on the number of caravans and motorhomes should be retained.

5. The storage of steel containers encroaches on the area approved for landscaping – the structures will also be visible from the road serving the village of Treoes – this boundary should be landscaped to reflect the transition between industry and rural land uses. The limitation on the number of steel containers should be retained. Access to the steel containers should not be allowed 24 hours a day.

6. Site is visible from bedroom windows of properties despite the screening which has resulted in a loss of privacy

7. Access arrangements are unsafe as the required works to segregate access from the Royal Mail site has not been carried out and does not comply with the original planning condition. Concerned about the safety of motorcyclists entering and existing the site – conflicting with other users on site

8. Southern site boundary – the landscaping has not been undertaken in accordance with the approved plans – bund is a mound of dirt, rubble and rubbish; eastern site boundary – the developer has failed to provide the landscaping as approved under P/16/472/FUL – communications from the developer suggest that the omission is a '*fait accompli*' – the landscaping should be provided.

9. Flooding – further uses will increase flooding to adjoining land

10. Bat boxes – has the Council ensured that bat boxes are provided on site.

### **Llangan Community Council:**

It is very clear from the contents of this application that Ward Jones is not only seeking to amend conditions 1 and 5 P/16/472/FUL but is also seeking to regularise the many unauthorised activities he has established on the site over time. Unauthorised activities, without planning permission, which you know have caused great stress to Treoes villagers. At this same time he has chosen not to complete important aspects of the site which were conditioned by BCBC in 2016 to protect the amenity of Treoes villagers and the general public. I refer to the lack of the agreed 5m bund with planting on the eastern border of the village, incomplete southern border, the lack of adequate drainage and no remodelling of the entrance on Horsefair Road to ensure the safety of the many vehicles entering/exiting the site.

Due then to the complexity of application P/17/369/RLX our comments are as follows:

#### Condition 1

##### CGI Overspill Car Park

This area has yet to be 'secured' in any way, there is no gate and so could be used anytime by other vehicles despite claims made in the application. This need to be enforced by BCBC to ensure the area cannot be used except by CGI in the limited time stated. NO OBJECTION provided secure gates are installed to ensure sole use by CGI

##### Locomotive Cab Area

Supposedly restricted to 17 cabs we believe there are many more cabs in the area, also unauthorised offices/tool storage areas, lifting gear and portaloos. The entire site has planning permission for static storage only and we have contested from the outset it is inappropriate to undertake any restoration work of cabs in the area, with or without power tools. We object to any form of restoration work and for this area to be regularised.

##### Motorcycle Training School

The unauthorised development of a motorcycle school with tarmac, storage areas, training rooms, offices and toilets in a static storage site is totally unacceptable. Its close proximity to the village and its proposed 7 days per week operation creates noise the levels of which are unpredictable. Of grave concern too is the lack of vehicle segregation work at the main entrance to reduce accidents. We object to this unauthorised activity, we believe it is totally inappropriate due to its location, to noise, the impact on the amenity of Treoes villagers and safety concerns to/from Horsefair Road.

## Storage of 30 Vans

This part of the application is very concerning as it fails to state the size and weight of vans. There have been several incidences in recent years of unauthorised activity, at a time when the entire site should be closed, of HGVs being allowed to enter and park up overnight, in an area immediately close to the village, most HGVs being of the refrigerated type causing significant overnight noise and distress to villagers. WE OBJECT on the basis that the application fails to clarify the size and class of 'vans' or the time they will be stored.

## Caravans, campervans, motorhomes

No objection — provided adequate drainage for grey water is developed.

## Condition 5

CGI Car Park - No objection provided gates installed and hours remain Mon-Friday only

Cabs Storage - No objection if limited to storage of 17 cabs only. We would request the removal of all unauthorised offices/tool storage/toilets. No restoration work of any kind, static storage only.

Motor Cycle - We object to this inappropriate, noisy, unauthorised activity so close to Treoes boundary with gardens adjoining in a static storage area.

Storage of 30 Vans - We object to this activity on the basis of poor information supplied and known historical overnight activities re: refrigerated HGVs which has caused so many disturbances to immediate villagers.

Storage of New Cars - No objection, this activity is in keeping with the site and its proximity to Treoes.

Access to Storage Containers - We object to extending access hours. The entire site should be closed and secured by 22:00 hrs as originally intended in the interests of residential amenity

Eastern Boundary - We are deeply concerned that the eastern boundary bund approx. 5m depth with agreed planting has not been developed, indeed this BCBC condition has been blatantly ignored and a simple wooden fence erected. We do not believe bat boxes have been fixed as per NRW recommendation 2016, there being a bat order on house adjoining the site.

Southern Boundary - This boundary was never developed as originally agreed to provide a strong visual barrier to the village. Subsequent new agreed layouts have also been ignored relating to the placement of a continuous line of containers to mitigate lack of bunding.

Drainage - Despite many recommendations by BCBC drainage experts an adequate drainage system has yet to be developed on the site to mitigate (a) new flooding conditions occurring along the southern boundary which have been reported to you and (b) to allow for the removal of grey water from motorhomes and caravans parking up long term.

Entry to/from Horsefair Road - Despite BCBC recommendation no changes have been made to segregate traffic at this busy junction or to improve road safety

## COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in response to the representations received:

1. Residents suggest that the planning permission was for static storage of the locomotive cabs, however, Condition 1 (b) of the original consent, P/16/472/FUL permitted 'Locomotive Restoration' without power tools, between 09:00 hours and 18:00 hours on any day (condition 5 refers). This amended application seeks only to vary the condition by omitting reference to the number of cabs that could be stored on site. Accounting for the office and store that have been sited within the compound, it may be possible to site additional cabs but only by a limited number. The Council accepts that the use of power tools would have an impact on the amenity of residents and the proposal to allow power tools to be used as part of the restoration process has been omitted from the application.

2. Consideration of the use of the land as a Motor Cycle Training Centre in the context of the Bridgend Local Development Plan (2013) will be considered in the appraisal section of the report. The main concern of residents is the noise impact and disturbance throughout the week days and over weekends and bank holidays.

A noise survey has accompanied the application which has been assessed by Shared Regulatory Services. The applicant's acoustic consultant measured the loudest bike when the training school was previously operating at Stormy Down and then predicted the levels at 2 of the closest residential properties in Treoes by assuming that 6 of the loudest bikes would be in use at the same time. Inconsistencies in the noise report were noted relating to the hours that the bikes are ridden. For instance, it states that the training will typically consist of 4 hours of classroom work and up to 3 hours of riding exercises to take place between 12.00 hours -15.00 hours. However, it is understood from discussions with the operator of the training school that the riding of bikes could take place at any time between the opening hours and can be ridden up to 8 hours in a day during a busy period. Clients in the main use training school machines and the cost of the bikes are included in the training regardless of whether they use them. In the event of them using their own machine, which would only be when they are renewing a CBT certificate, the customers have to produce all the relevant documentation for the vehicle and ensure that it complies with the legislative requirements. If the vehicle does not, the instructor would not allow use of that machine. Modification of an exhaust would not comply with the Construction and Use Regulations so in the event of this occurring, the machine could not be used for training purposes.

The noise survey has been based upon the use of 6 bikes at any one time as a worst case scenario however, since then Bridgend Motorcycle Training Centre (BMTC) has been reassessed with a site visit by the DVSA Examiner who has authorised the site for use by eight machines at any one time for CBT training. Nevertheless, as the survey has been based upon a maximum of 6 bikes and due to the size of the site, this is the maximum amount of bikes that have been considered by the Council. The noise levels of the bikes will be limited as the clients riding the bikes will be restricted in terms of what bikes they can ride due to other legislative requirements. The rating level of the bikes when compared against a background level of 38dB indicated that there would be no adverse impacts from the bikes.

Complaints were received by the Council following the commencement of operations on site and further monitoring was undertaken. Officers were positioned on the southern boundary of the site and in the village of Treoes. The noise level on the site itself from 5 bikes being ridden was just audible when they were being ridden at a point extended beyond the row of storage containers which separate the training school from the rear of the site. For the majority of the time the activity was barely audible. At the monitoring location in Treoes, the bikes were not audible at any time during the period that they were

being ridden. Although complaints were received when BMTC first started operating from the site, officers of the Council have not witnessed noise nuisance from their use. The noise survey undertaken by the applicant's consultants and the survey undertaken by Shared Regulatory Services does not indicate that there will be a significant adverse impact from the continued operation of the motorcycle training centre however, this is with a number of provisos, namely that the activity is undertaken on the current site and that the steel containers on the southern boundary of the compound and the south eastern boundary of the site are retained. The noise report references a 2.5m bund along the eastern boundary of the site. Natural Resources Wales has previously resisted any significant change in ground levels alongside Nant Ganna. A 2m high fence has been provided along the eastern boundary to provide an acceptable form of noise mitigation. It is also important to note that BMTC operate a training facility so the type of bikes that can be ridden are automatically restricted by this use therefore, no other type of motorbike facility should be permitted and variation 1(c) stipulates that the use is restricted to area 3 and will be Motorcycle Training centre operated by BMTC Ltd. The application proposes to operate the motorcycle training centre between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 on weekends and bank holidays. The imposition of planning conditions should ensure that operations on this part of the site can be controlled and if necessary enforced to ensure that the living conditions of the residents of Treoes are not unreasonably affected.

Residents have also raised detailed criticisms of the noise assessment which have been addressed by Shared Regulatory Services as follows:

*The noise report does not say that noise measurements or sampling were undertaken at residences at Llys Ty Mawr. It states that the closest residences to the development are 3 Llys Ty Mawr to the south of the site and River Court to the southeast. Background measurements were taken from position 1 (land to the rear of Cae Ffynnon and Foxwood) and 2 (south eastern corner of the site) which is representative of the background levels at these properties- with position 1 being representative of the background levels at Llys Ty Mawr and position 2 being representative of the levels likely to be experienced at River Court.*

*With reference to the motorbike sampling noise, the consultants measured the noise from the noisiest bike used for onsite training when BMTC were operating their training facility at Stormy Down and the noise from all 6 bikes was calculated and used in the software prediction model to derive the noise levels at the closest residential receptors which is acceptable methodology.*

*Measurements of the power tools that are currently used by the person restoring the loco cabs were undertaken at a distance of 1m from the source at a height of 1.5m and the noise was then predicted at the residential receptors for various scenarios as already described above. However, the use being applied for with power tools, if granted, would effectively allow an unrestricted external engineering operation on site and for the reasons given in 1(b) above, I do still have to object to the restoration of cabs outside using power tools.*

The existing drainage arrangements are deemed acceptable by the Council's Land Drainage Section. Concerns that the training facility track has crossed into an area approved as a landscaping corridor will be considered elsewhere in this report but it should be noted that this application proposes the omission of planting along the eastern boundary of the development site.

Improvements to the site access onto Horsefair Road have been carried out in accordance with the details approved under P/16/926/DOC. Those works were

undertaken in April 2018.

3. Consideration of the use of the land for the storage/sale of vans in the context of the Bridgend Local Development Plan (2013) will be considered in the appraisal section of the report. The residents oppose the use of the land for the storage of vans on the basis that the site will be used for the parking of Heavy Goods Vehicles – such operations have previously taken place on the land without the benefit of planning permission.

The Council acknowledge that the term 'van' could include car derived vans, light goods vehicles, heavy goods vehicles and large goods vehicles and any such vehicles with refrigeration. The siting of lorries and HGVs would cause problems of noise when arriving and departing site, often occurring late at night or in the early hours of the morning when background noise levels are at their lowest. Operators often need to leave their engines running for prolonged periods when starting the vehicles to build up enough pressure before moving off. Other noise associated with lorry parks include refrigeration plant which can be included on some vehicles, reversing alarms and the sounding of horns before the vehicles depart site. The use of the land for the sale of used cars/vans should not have a significant impact on the amenity of residents subject to the imposition of planning conditions that control the size of vehicles that are stored and to prevent the use of land for refrigerated vehicles, large goods vehicles, heavy goods vehicles and any vehicle with a gross vehicle weight of more than 3.5 tonnes should be prohibited. A condition limiting the time for access to the vehicles would also need to be included on any permission granted

4. The application does not propose 24 hours access to the caravan, cars and steel containers. The application, as amended proposes access to the steel containers between 07:00 hours and 23:00 hours on any day and between 07:00 hours to 19:00 hours on any day for the other uses. Shared Regulatory Services has no objection to the proposed hours of operation subject to each site being secured to prevent access outside the permitted hours

5. A line of containers has been positioned on the boundary of the motorcycle training facility which the residents correctly allege intrudes into the landscaping zone, approved along the eastern boundary of the site. This application proposes the omission of the landscaping along this boundary with the applicant maintaining that the current uses are such that the approved landscaping works are unnecessary from both a visual and noise screening perspective. It is maintained that the 2.0m high close boarded fence along with the existing substantial natural vegetation between the site boundary and the road leading to Treoes, provides an "an entirely satisfactory effect". The original layout included caravans, steel storage containers and the locomotive restoration yard along the eastern boundary which arguably would be more intrusive than the current uses, simply by virtue of their scale. An existing wooded area to the south east, beyond the development site, provides a significant level of screening. The applicant has erected 2.0m high fencing along the boundary with the motorcycle training centre and new car storage area and proposes a 3m high timber fence along the boundaries of the locomotive restoration yard. In combination with the roadside hedge and other intervening landscaping, the existing and proposed measures do offer a significant level of screening. This boundary does form the transition between the allocated employment land and the countryside to the south and east. An appropriate compromise would be the provision of landscaping between the fence and Nant Ganna, along the boundaries of the motorcycle training centre and locomotive restoration yard. The available space is limited but would allow for a line of trees to be planted which when mature would minimise the impact of the 'functional' fence. A suitably worded planning condition will be imposed that requires the submission of a modified landscaping scheme, which when agreed should then be implemented in the next planting season.

The amended condition would not include a control on the number of containers but the area to be used for their storage is clearly defined on the submitted layout. Should additional containers be brought to site and introduced on other areas, this would be contrary to the permission granted

Access to the steel containers is not proposed for 24 hours and will only take place during the following times: 07:00 hours to 23:00 hours on any day

6. Distances between the development site and the existing properties in Treoes varies from over 100m from properties to the south and over 70m from the nearest houses in River Court to the south east. Although the development of the site and the introduction of the various uses has transformed the outlook from the nearest residential properties, any reduction on the levels of privacy enjoyed would be minimal given the distances involved. The landscaping along the southern boundary will in time provide an acceptable level of screening which will minimise the impact of the respective uses from a visual perspective.

7. Access to the development site has been improved in accordance with a scheme agreed by the Council under P/19/926/DOC. The Transportation Development Control Officer has confirmed that the arrangements are acceptable to serve the respective uses on site and the associated movements.

8. The applicant's planning consultant and landscape designer maintain that the landscaping has been provided generally in accordance with the plans approved under P/16/973/DOC, although it is acknowledged that slight modifications in the south eastern and western corners have been undertaken to allow for the retention of the existing trees, the overall depth of the planting has not changed significantly. The bund was however formed from material on site and its appearance, particularly on its southern flank is not visually attractive. A recent inspection of the site indicates that management/maintenance of the landscaping has also been minimal. Nevertheless, the planting has been implemented and the trees are establishing. Subject to a programme of management/maintenance being followed by the applicant, there are no reasons why the landscaping shouldn't establish and in time, provide a substantial screen along the southern boundary of the site. In addition, Members should be aware that a condition will be re-imposed that will require the replanting of trees that are either removed, uprooted or destroyed or die, or become seriously damaged or defective. The site will continued to be monitored.

9. Residents maintain that the site development has affected land drainage which has resulted in the adjoining land becoming waterlogged. Drainage Consultants, commissioned by the applicant have agreed a drainage scheme for the development site which basically allows all surface water to drain to the ground through a permeable stone surface that covers the majority of the site.

The rights and responsibilities of land/property owners on the matters of flooding are matters of common law and should be addressed outside the planning legislation.

10. An objector has referred to bat boxes being provided as part of the development. There are no requirements under the terms of the original planning permission for bat boxes to be provided.

## **POLICY CONTEXT**

The relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (LDP) (2013) are:

Policy PLA1 Settlement Hierarchy and Urban Management  
Policy SP1 Regeneration-Led Development  
Policy SP2 Design and Sustainable Place Making  
Policy SP3 Strategic Transport Planning Principles  
Policy PLA11 Parking Standards  
Policy ENV6 Nature Conservation  
Policy ENV7 Natural Resource Protection and Public Health  
Policy SP9 Employment and the Economy  
REG1 (8) Employment Sites – Land at Waterton Industrial Estate  
REG 2 Protection of Identified Employment Sites

#### Supplementary Planning Guidance

SPG 17 Parking Standards  
SPG 19 Biodiversity and Development

#### National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10 December 2018) (PPW) is of relevance to the determination of this application. It states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly (Paragraph 2.3 of PPW refers).

Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle. The most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to... decision making. (Paragraphs 2.8 and 2.9 of PPW refer).

For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing) as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy (Paragraphs 5.4.1 and 5.4.2 refer).

Local authorities are required to identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites of strategic and local importance. Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration. Sites identified for employment use in a development plan should be protected from inappropriate development.

Technical Advice Note 23 - Economic Development (February 2014) provides guidance on weighing the economic benefits against any possible harm to the environment and sets three tests that should assist the planning decision making process – alternatives; jobs accommodated; special merit. In all cases robust evidence should be provided to support the tests.

The following Technical Advice Notes (TANs) are also of relevance in the consideration of these proposals:

TAN5 - Nature Conservation and Planning (2009)  
TAN11 – Noise (1997)  
TAN12 – Design (2016)  
TAN15 – Development and Flood Risk (2004)  
TAN18 – Transport (2007)

## **APPRAISAL**

The application is being reported to Members due to the number of objections received, including the Community Councils and Local Member.

The main considerations in the determination of this application relate to:

- The acceptability of the uses with reference to the site's allocation in the Bridgend Local Development Plan 2013
- The use of land and the impact on the amenity of the residents of Treoes
- The protection/enhancement of biodiversity interests
- The implications of the development on the surrounding highway network and whether the access arrangements are deemed acceptable to serve the mix of development uses on site
- The drainage of the site

## **The Principle of the Development**

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.

In assessing the uses proposed as part of application P/16/472/FUL, the following statement was included in the committee report:

*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.*

The CGI car park, the locomotive restoration yard, the storage of steel containers of caravans and campervans etc. were all considered acceptable uses with reference to the Bridgend Local Development Plan. Car storage would again fall within a B8 use which accords with the site's allocation. A motorcycle training facility with incidental office and storage facilities is a 'sui generis' use and it could be argued that such a use does result in the loss of land that could be used for employment purposes. Policy REG2 does however acknowledge that such uses can be accommodated on employment land in appropriate

locations. Factors to be considered would be the impact of the activities on the environment and the amenity of residents which will be considered in the following sections of the report. On a matter of principle, the current activities on site accord with local and national planning policies.

### **The use of land and the impact on the amenity of the residents of Treoes**

As with the original application, the key issue in the assessment of this application is the impact of the respective uses, both individually and in combination on the living conditions and well-being of the nearest residents in Treoes. Measured from Ordnance Survey plans, the nearest property, 4 River Court is some 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.

Introducing commercial development to this site was always likely to have an impact on the levels of amenity that had been enjoyed by the residents. The critical issue was the significance and whether, under the current planning legislation, adequate controls could be imposed on the existing and future use of land. The landowner has revised the site arrangements and introduced new uses without first gaining the necessary planning permission and this has frustrated residents on what they perceive as a failure on the part of the Local Planning Authority to pursue enforcement action. Wilful disregard for the need for planning permission is not condoned by this Council and the developer's actions have been regrettable. Nevertheless, the decisive issue for the authority is whether the unauthorised uses have unacceptably affected public amenity and whether the use of the existing use of land and buildings merits protection in the public interests. On each occasion when additional uses have been introduced to site, the above tests have been applied and on the basis of the advice received from the Council's consultees, enforcement action was not immediately pursued in respect of the uses. The planning legislation does allow for the submission of retrospective applications to regularise the use of land and to amend the requirements of previously imposed planning conditions and this current application seeks to address those matters as described earlier in the report.

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 and light pollution does not demand a refusal of permission. The land used for the parking of cars in association with the CGI operation has not altered and the hours of operation will not be amended. The site is now secured, following the service of a Breach of Condition Notice, to prevent access outside the times specified in the condition. The locomotive restoration yard occupies the same area of the site as originally approved, although the use does have temporary buildings for the storage of equipment and a restroom for members of the restoration group. No power tools will be permitted to be used as part of the use. Omitting a control on the number of locomotives that could be stored as proposed, is not considered acceptable but it is acknowledged that the space available would allow more cabs to be stored. The condition should be amended accordingly. New fencing on the northern and eastern boundaries of the yard is proposed as a replacement for the unsightly corrugated sheeting. At 3m high, the fencing will screen the site from the Treoes Road and Horsefair Road. Residents allege that the locomotive cabs are visible from the rear facing windows in properties, despite the formation of the bund along the southern boundary of the site. Continuing the proposed 3m high fence along the southern boundary of the yard in lieu of the existing mesh fencing will offer additional screening that should further limit the impact of this use on the nearest residents. A condition will be imposed requiring the erection of this fencing within three months of the date of this decision.

The motorcycle training centre commenced operating in April 2017 having re-located from its previous site on Stormy Down. The noise impact assessment that accompanied this application considered the potential sources of noise and the nearest noise sensitive

receptors. Shared Regulatory Services has confirmed that the use does not have a significant adverse impact on the residents. This is however subject to the imposition of conditions that will only allow the use to continue on the current site subject to the retention of the acoustic barriers (fencing and steel containers) and a limit on the type and number of bikes. The use will only be permitted to operate between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 17:00 on weekends and bank holidays.

The Council accepts that the definition of 'vans' as proposed by the applicant is ambiguous and could include other vehicles that may cause problems of noise when arriving and departing. The site is relatively modest in scale and is used by the current operator to store vans and small trailers which are purchased, stored and delivered to customers off-site. No repairs are undertaken. The noise assessment concludes that the use will have no significant impact on the well-being of residents. This is however subject to the Council imposing conditions controlling the use, the size and type of vehicles to be stored and the hours the site will operate.

The storage of caravans, campervans and motorhomes was approved as part of the original permission although it now occupies a smaller area. The southern boundary of the compound is formed by the landscaping protection zone and a line of steel containers. The storage operation is having no significant impact on the amenities of residents and will be controlled by restricting access. The storage of pre-registered Mercedes Benz motor cars represents a new use occupying an area that was approved for the storage of caravans, campervans and motorhomes. The movement of cars to and from the site is limited and either involves small transporters delivering vehicles directly to the compound or the transporters parking on Horsefair Road and the vehicles being driven onto the site. At the busiest times, this would generate no more than four trips a day. Subject to such activity taking place during the working day, the use of land should not affect the amenities of the nearest residents.

As indicated earlier in this report, the areas to be used for the storage of steel containers has been significantly reduced with the line of containers having been sited on the southern boundary inside the landscaped bund that has been formed under the original planning permission. In this location, they form part of the noise mitigation works in combination with sections of acoustic fencing. Access to these storage facilities is to be extended from 22:00 hours to 23:00 hours. Even accounting for the position of the containers on the southern part of the site, the level of activity and the disturbance that is likely to be caused would be limited. Although a 24 hour operation would be inappropriate in this location, the proposed hours are considered acceptable.

National policy does indicate that '*potentially polluting*' commercial/industrial development should be located where there is low public exposure or where the impacts can be minimised. The potential impact of noise pollution arising from existing development must be fully considered to ensure the effects can be adequately controlled to safeguard amenity. On the basis of the evidence submitted, the responses received from consultees and a review of the site circumstances, the impact of the respective uses on the residents in terms of noise is minimal and does not demand a refusal of permission. It must also be recognised that the application site does form part of Waterton Industrial Estate and has long been identified for business uses. Conditions both new and existing (re-imposed from the original consent) should ensure that the living conditions of residents can be reasonably maintained. They are matters that can be addressed by conditions and can be enforced should the developer fail to comply.

No additional lighting is proposed as part of this application and air pollution is not considered a factor in terms of the existing uses on site.

## **The protection/enhancement of biodiversity interests**

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 21 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. Even before the site was developed, ecological reports that accompanied previous planning application indicated that the main biodiversity interests were around the site margins. The retention of trees around the boundaries of the site was also consistent with general landscape and amenity considerations. Unfortunately, a subsequent detailed survey of the trees confirmed that a number would need to be felled on the basis that they were either dead, dying or dangerous. Although residents did not agree with the outcomes of the report it was submitted by an appropriately qualified tree surveyor. Prior to any felling the trees were examined for potential bat roosts. It is the Council's understanding that no habitats were found. To mitigate the tree loss and to off-set the impact of the development in terms of the views of the site from the existing properties in Treoes, landscaping schemes were agreed, including a bund on the southern boundary. The trees and shrubs planted are still immature but, in time, will increase the level of screening, reducing views into the site from the nearest properties. It is essential that the site owner maintains the landscaping and this will be controlled through the grant of planning permission. Again, when mature the tree corridors along the southern and eastern boundary will contribute to green infrastructure and will soften the appearance of this commercial operation on the surrounding land uses.

The omission of the landscaping along the eastern boundary of the site has been discussed above. The provision of trees along part of the boundary to compensate for the loss of existing mature trees and to screen the locomotive storage yard and motorcycle training centre will however be necessary and will be controlled through planning conditions.

## **The implications of the development on the surrounding highway network and whether the access arrangements are deemed acceptable to serve the mix of development uses on site**

Comments from the Community Councils and a number of local residents suggest that the required improvements to the site access onto Horsefair Road have not been undertaken. Members will note from the table on the first page of this report that the scheme was approved on 14 November 2017 under application P/19/926/DOC. The junction improvements had been subject to a safety audit which had regard to the uses that were operating at that time but did not include the car storage facility. This use and how it

operates has been considered by the Council's Transportation and Traffic Management Team and it is the Officer's view that the current access arrangements are considered safe in highway terms to serve the combination of uses on site. Accordingly, no objection has been received on highway safety grounds.

### **The drainage of the site**

As there are no foul drainage requirements (a small portaloo serves the Motorcycle training facility), the only drainage relates to the disposal of surface water. Crushed stone topped with road planings provides a permeable surface over all the development areas apart from the access road, landscaping zones and motorcycle training area. Surface water will therefore drain directly into the ground. Whilst a number of the sites allow for the storage of motor vehicles with oil and petrol/diesel tanks, the scale of the activity and developed areas is below the threshold that would require the installation of a positive drainage system. Whilst the storage of the pre-registered vehicles is more significant in scale, very little fuel is held in the tanks and the likelihood of leaks from new vehicles is low. Accordingly, the Council's Land Drainage Team have no objections the current site layout.

Representations have been received from adjoining landowners suggesting that the development of this site has increased groundwater levels. Higher rainfall levels, the loss of some mature trees and the naturally higher groundwater table in the area may have all contributed to this problem but there is no evidence on site that the layout has resulted in direct discharge onto adjoining land. Given the lack of hard surfacing along the southern boundary of the site, it does not represent a substantive planning objection.

### **CONCLUSION.**

This application seeks to retain the current uses on this site which have operated for over 12 months. From the representations received from the Community Councils, local Member and residents, it is clear that the various uses on site, in particular the Locomotive Restoration Yard and Motorcycle Training Centre are deemed by them to be inappropriate for this location. For the reasons set out earlier in this report the activities are compliant with the site's allocation for Classes B1, B2 and B8 in the Bridgend Local Development Plan. Furthermore, on the evidence submitted and subject to the imposition of planning conditions, the uses, individually and in combination should not significantly adversely affect the living conditions and well-being of residents. Any impacts will be minimal and acceptable given the site's allocation. On the basis of the developer's previous actions, residents believe that planning conditions will be ignored in the future. Whilst their frustrations are understandable, nothing within legislation or planning case law indicates that a 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.

The omission of the landscaping buffer on the eastern boundary has been carefully considered and although its formation would have enhanced the scheme, given that the majority of existing residential properties lie to the south of the site and that an existing hedgerow and trees screens much of the site from the public highway, requiring the planting to be provided cannot be fully justified. Localised tree planting alongside the boundary of the Locomotive Restoration Yard will screen the proposed high boundary fencing on this part of the site.

In all other respects, the development is considered to be compliant with national and local planning policy.

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.

## **RECOMMENDATION**

(R53) 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 4 January 2019

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety and the amenities of residents.

2. The site shall only be used for the following:

a) Area 1 - 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 materials, containers or equipment.

The car parking area shall not be used outside the following times: 07:00 hours - 20:00 hours Mondays - Fridays. At all other times, the car park shall be secured to prevent access outside the permitted hours.

Area 1 shall not be used for any other purposes 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.

b) Area 2 – The storage of Locomotive Cabs (a maximum of 19 cabs).

Area 2 shall not be accessed outside the following times: - 09:00 hours-18:00 hours on any day. At all other times the Locomotive Restoration Yard shall be secured to prevent access outside the permitted hours.

Area 2 shall not be used for any 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.

c) Area 3- A Compulsory Basic Training Motorcycle Facility operated by Bridgend Motorcycle Training Centre Ltd (BMTC Ltd) only that is restricted to a maximum of 6 bikes being operated/ridden on site at any one time.

The Motorcycle Training Facility shall not operate outside the following times: 08:00 hours -18:00 hours Mondays- Fridays and 09:00 hours -17:00 hours on weekends and Bank Holidays. At all other times the Motorcycle Training Facility shall be secured to prevent

access outside the permitted hours.

d) Area 4 - A Van Storage Yard and ancillary building (a maximum of 30 Vans).

Area 4 shall be used for the storage of transit type commercial vans and car derived vans. The use of refrigerated vehicles, large goods vehicles, heavy goods vehicles and any vehicle with a gross vehicle weight of more than 3.5 tonnes is prohibited.

No repairs of the vehicles shall be undertaken at any time and the yard and ancillary building shall be secured to prevent access outside the following times: 07:00 hours - 19:00 hours Mondays- Fridays and 08:00 hours -17:00 hours at the weekends and Bank Holidays.

Area 4 shall not be used for any other purposes including any other purposes in Class B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification.

e) Area 5 - The storage of Caravans, Campervans and Motor Homes 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.

The road surfaces subject to vehicular movement by caravans, camper vans and motorhomes shall be surfaced with asphalt planings or scalplings or a similar noise reducing surface. The area shall be secured to prevent access outside the following times: 07:00 hours – 19:00 hours on any day.

f) Area 6 - The storage of new pre-registered motor cars and for no other purposes including any other purposes 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 6 shall be secured to prevent access outside the following times: 07:00 hours-19:00 hours on Mondays- Fridays and 08:00 hours - 17:00 hours on weekends and Bank Holidays.

g) Areas 7, 7a, 7b and 7c - the storage of steel containers.

The row of storage containers in locations 7b and 7c shown on Proposed Site Layout plan shall be maintained and retained in perpetuity to form a contiguous line along the southern perimeter boundary of Area 3 and the southern boundary of Areas 5 and 6. Should any container(s) be removed from site, the use of the motorcycle training facility, the storage of Caravans, Campervans, Motor Homes and vans shall immediately cease until replacement noise mitigation measures in the form of a 2.5m high acoustic barrier or close boarded fence with the joins being overboarded with a minimum mass of 10kg per square metre unit area which has no gaps, is imperforate and forms a contiguous line has been erected in a position to be agreed by the Local Planning Authority. The barrier or fence agreed by the Local Planning Authority shall be maintained and retained in perpetuity.

Areas 7, 7a, 7b and 7c shall be secured to prevent access outside the following times: 07.00 hours -23.00 hours on any day.

h) A Landscaping Protected Zone identified and shaded green on the 'Layout Plan' shall be retained in accordance with the landscaping scheme and maintenance plan agreed in discharge of condition 8 of P/16/472/FUL (P/16/973/DOC refers).

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

**3.** A 2m overboarded close boarded fence with a minimum mass of 10kg/m<sup>2</sup> unit area shall be erected as part of 7b and 7c and as located on boundary b marked on the 'Layout Plan' received on 4 January 2019 and shall be maintained and retained in perpetuity. The fence shall be imperforate, with no gaps, including no gaps between the steel containers at 7b and the fence marked as b on the Layout Plan.

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

**4.** A 3m high close boarded timber fence shall be erected along the northern, southern and eastern boundaries of Area 2 as indicated as boundary 'a' on the 'Layout Plan' received on 4 January 2019. The fence shall be maintained and retained in perpetuity.

Reason: In the interests of screening this part of the site operation

**5.** The junction improvements from the access road onto Horsefair Road and the pedestrian walkways shall be retained in accordance with the detailed agreed scheme as part of P/16/926/DOC.

Reason: For the avoidance of doubt as to the extent of the permission granted and in the interests of highway safety.

**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 'Layout Plan' received on 4 January 2019.

**7.** Within one month 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 within three months of the date of this permission or prior to any individual steel container being used. The agreed sound attenuation measures shall be maintained and retained as such in perpetuity.

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

**8.** Within two months of the date of this permission a revised landscaping plan for the eastern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall incorporate a line of tree/hedge planting on the eastern boundaries of the Areas 2 and 3 on the 'Layout Plan' received on 4 January 2019. The planting plans shall include a schedule of trees and shrubs, noting species, plant sizes and proposed numbers and densities and a program for maintenance. All landscaping works shall be carried out in accordance with the approved details and in the next planting season (November 2019 – March 2020).

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 approved as part of a landscaping scheme on site, 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, apart from those agreed in the discharge of condition 10 of P/16/472/FUL (P/17/174/DOC refers) 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.** The CGI car parking area shall not be lit outside the following times: - 07:00 hours - 20:00 hours Mondays- Fridays.

Reason: In the interests of residential amenities.

**13.** The external lighting of the CGI Car Park shall be retained in accordance with the detailed scheme agreed in discharge of condition 14 of P/16/472/FUL, (P/19/926/DOC refers).

Reason: In the interests of residential amenities.

**14.** No external lighting shall be installed on any of the outside storage areas unless details of such lighting have been first submitted to and agreed by the Local Planning Authority in writing. Any application for approval made to the Local Planning Authority under this condition shall include details of the 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. 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.

**15.** The site surfaces and associated drainage measures shall be maintained in accordance with the 'Surfacing Strategy and Specifications', 'Limitations' and 'Inspection and Maintenance Plan' in the Drainage Strategy Report produced by Hydrock and dated November 2017.

Reason: To ensure the safe drainage of the site

**16.** \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

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.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

**Background Papers**

None