

REFERENCE: P/19/674/RLX

APPLICANT: C5 Business Centre Ltd
Unit C5 North Road, Bridgend Industrial Estate CF31 3TP

LOCATION: Land off Parc Crescent, Waterton Industrial Estate CF31 3XU

PROPOSAL: Retention of development as implemented in accord with P/16/379/FUL (updated by P/16/836/NMA, P/16/850/DOC and P/17/343/DOC) and P/16/833/FUL (updated by P/17/311/DOC); Vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow a washdown facility; vary condition 3 of P/16/833/FUL to include earth bund along eastern and southern boundary of site

RECEIVED: 4 September 2019

SITE INSPECTED: 29 August 2020

APPLICATION/SITE DESCRIPTION

This application was originally submitted in September 2019 and sought consent to vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow additional uses to include the storage of cars, trailers, boats, vans and catering trailers with a washdown facility at the site and to vary condition 3 of P/16/833/FUL to include an earth bund along the eastern boundary of the site.

After many iterations, the final proposal is to vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow a washdown facility at the site and vary condition 3 of P/16/833/FUL to include earth bunds along the eastern and the southern boundaries of the site.



Extract from Google Maps 2019 Storewithus site and retained earth mound grassed over

In August 2016 Planning permission was granted to develop a green field site on Waterton Industrial Estate as a compound to be used for the storage of caravans (P/16/379/FUL refers). A subsequent application permitted the extension of the caravan storage operation across the whole of the eastern part of the site which is bounded by an existing hedgerow that separates the site from a paddock that is owned by the residents of Parc Newydd in the village of Treoes (P/16/833/FUL refers).

The compounds were formed by excavating the existing topsoil and the importation of a layer of compacted crushed stone to create a permeable surface on which the caravans are currently stored. Significant quantities of the excavated material have been retained and occupy an area of approximately 3,000 square metres in the north eastern part of the site.

The grass covered earth mound reaches a maximum height of 5m (approx.) and occupies a site that should have been developed for approximately 35 caravan pitches. This application seeks to utilise part of the stockpile of material by constructing earth bunds along the southern and eastern boundaries of the site with the remainder of the stockpile being removed in accordance with the Breach of Condition Notice issued.

RELEVANT HISTORY

P/16/379/FUL Conditional Consent 4 August 2016

Change use to caravan storage compound including security fencing, stone surfacing, lighting, access road and office building

P/16/833/FUL Conditional Consent 17 March 2017

Change of use from agricultural to Use Class B8 storage - remove topsoil and formation of compacted hardcore surface to create a caravan storage compound to extend the compound approved under P/16/379/FUL

P/16/850/DOC Agreed 2 February 2017

Approval of details for conditions 4, 5, 7, 8, 9, 10, 11 and 14 of P/16/379/FUL

P/17/311/DOC Agreed 12 March 2018

Discharge of conditions 4, 5 and 6 of P/16/833/FUL

P/17/343/DOC Agreed on 16 March 2018

Approval of details for conditions 3 and 14 of P/16/379/FUL

P/18/891/RLX Refused 31 January 2019

Vary condition 2 of P/16/833/FUL to include the storage of soil

P/18/900/RLX Refused 22 January 2019

Remove condition 4 (landscaping condition) of P/16/833/FUL

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application and the subsequent iterations.

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

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan

(LDP) 2006-2021, which was formally adopted by the Council in September 2013 within which the following Policies are of relevance:

Policies SP1& PLA1	Settlement Hierarchy – Main Settlement - Bridgend
Policy REG1 (8)	Employment Site (inside Bridgend Strategic Regeneration Growth Area) – Waterton Industrial Estate – the land is allocated and protected for employment development falling within Uses within Classes B1, B2 and B8
Policy REG 2	Protection of Identified Employment Sites
Strategic Policy SP2	Design and Sustainable Place Making
Policy PLA11	Parking Standards

Supplementary Planning Guidance

SPG21 – Safeguarding Employment Sites

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 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.

CONSULTATION RESPONSES

Coychurch Lower Community Council advises that there is no provision to remove the excess material.

Vale of Glamorgan Council has no objection to the proposals.

Land Drainage has no objection to the proposals.

Dwr Cymru Welsh Water has no objection to the proposals.

Natural Resources Wales has no comment.

Structural Engineer has no issues with the construction of the bunds as shown.

Council's Ecologist has no objection to the proposals.

Public Protection (Shared Regulatory Services) has no objection to the washdown facility subject to conditions.

REPRESENTATIONS RECEIVED

Initially letters were received from Llangan Community Council, the owner/occupiers of Carreg Melin, Parc Newydd, Gwyndy, Rhoslanog, Ty Onnen and Bodafon which were generally in favour of the bund but objected to the changes to the type of storage and the washdown area. It was also considered that this development should not proceed (Parc Newydd) until all conditions of previous consents had been complied with.

Following the various iterations of the application and further consultation, objection to the washdown area was maintained, the stability of the proposed bunds was questioned, the state of the emergency access gate was queried, concern was expressed as to the excess material not required by the bunds and the occupier of Cae Ffynnon objected to the current operation on the basis of disruption by light and noise.

COMMENTS ON REPRESENTATIONS RECEIVED

In response to the objections raised by the residents of Treoes:-

- The Drainage Officer considers the details submitted to be acceptable and the Public Protection Officer has assessed the information supplied on behalf of the developer in respect of the washdown facility and considers the details to be acceptable subject to conditions;
- The Council's Structural Engineer has assessed the details supplied in respect of the bunds and considers them to be acceptable;
- The emergency access gate has been viewed on site and it was unobstructed and there was no reason it wouldn't operate as required if necessary;
- There is a current live Breach of Condition Notice which will cover the removal of the material left over from the construction of the bunds;
- The current operation as a caravan/motorhome storage facility is authorised and complaints regarding noise and light pollution have been investigated separately and, following the Enforcement Officer's intervention, the cases have been resolved.

APPRAISAL

The application is referred to the Development Control Committee for consideration in respect of the final iteration of the bunds and the washdown facility given the objections received from residents of Treoes.

C5 Business Centre Ltd, the operators of the caravan storage facility have submitted this application under S73 of the Town and Country Planning Act that seeks to vary condition 1 of P/16/379/FUL and condition 2 of P/16/833/FUL to allow a washdown facility at the site and vary condition 3 of P/16/833/FUL to include earth bunds along the eastern and the southern boundaries of the site.

The main issues to consider in the determination of this application are whether the variation of the conditions and the use of the material on site to construct the bunds accords with national and local Planning policy which safeguard the application site for employment uses and to what extent the bunds and washdown facility will affect the amenities of the area and the living conditions of the nearest residents in the village of Treoes.

Principle of Development

The application site is allocated and protected for employment development falling within uses B1, B2 and B8 under Policy REG1 (8) of the LDP. The Schedule to the Use Classes Order defines a B8 as storage or distribution, including open air storage. The use of land therefore accords with the allocating Policy. Local Authorities are required to determine applications in accordance with the adopted Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

Identifying land that will generate sustainable long term prosperity, jobs and incomes is one of the functions of the Planning system and 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. 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. In permitting the caravan storage operation, it was acknowledged that the economic benefits of the development would be limited but that the use would meet a local need in a relatively sustainable location. The stockpiling of material was considered previously as having no obvious connections to the permitted uses on site and no economic benefits other than removing the costs to the site owner of excavating and transporting the material from site. That application was refused and subsequently dismissed on appeal. A Breach of Condition Notice was issued and, following non-compliance with the Notice, proceeded to Court. It should be noted that prosecution of non-compliance with a Breach of Condition Notice does not ensure the work is undertaken, it merely fines those responsible.

It is now proposed to re-cycle/re-use the material on site (as much as is necessary) to construct the 2 bunds and remove the excess material once they are completed. The proposal is to provide a landscaped screen between the residents of Treoes and this part of Waterton Industrial Estate. As such, it is considered that these measures together with the extant use of land will achieve the national and local objectives of contributing positively to the local economy and therefore to deliver the objectives of both national and local Planning policy.

The washdown facility is considered to be an ancillary part of the storage of caravans and motorhomes which would be acceptable in principle.



Impact of the bunds and the washdown facility on the amenities and the living conditions of residents

All development, including sites on the industrial estates of Bridgend, are required to contribute towards creating a high quality place which enhances the community having full regard to the natural, historic and built environment (Policy SP2 of the LDP refers). Located at the southern end of Brocastle Avenue, the site is readily visible from the public highway fronting the site although existing buildings and caravans provide some partial foreground screening from the western approach (see above).

The visual impact of the proposed development has been assessed with regard to the current situation and the future appearance of the landscaped bunds. In the view of the residents, the stored soil represents a blot on the landscape and as such its partial redistribution to form the bunds on the southern and eastern boundaries should alleviate the visual concerns from Treoes and their appearance will accord with the policy objective of the Council to create developments that respect and enhance local landscape character and protect visual amenities.

The washdown facility will mainly be screened from view by the caravans/motorhomes on the site and as such, will not affect the visual amenities of the area.

Other considerations

Flooding and Site Drainage

The northern boundary of the storage facility (points of access/egress to site) is located in Zone C2 of the Development Advice Map as defined under Technical Advice Note (TAN) 15. The bunds however lie outside this area and there is no requirement for the developer to undertake a Flood Consequence Assessment. A requirement of the original planning permission was the agreement of a Flood Emergency Plan and the provision of an emergency escape/evacuation route from the site which has been formed in the southern boundary, onto an existing farm access. This route has been viewed and there is no reason to believe it will not operate successfully should it be required.

The Land Drainage Officer has considered the information submitted by the applicant and acknowledges that Dwr Cymru Welsh Water are content that the washdown facility will not discharge water in to the public foul sewerage network or into the reed beds. The Drainage Officer considers the information submitted (latest 4 September 2020) satisfies the drainage requirement and has no objection to the proposed washdown facility.

Ecology

The Council's Ecologist has considered the Ecology Report and recommends that the actions identified in the report are included in the conditions of approval. He also requests that the applicant's Ecologist as part of their monitoring duties monitors the bund for invasive species and provides the applicant with an Invasive Species Management Plan if they are found to be colonising it which should be agreed with the Local Planning Authority before being implemented. A condition to this effect will be included on any Planning permission. The Ecologist has no observations concerning the tree planting scheme as submitted.

Noise

The Public Protection Officer has reviewed the Noise Assessment which has been submitted in support of the application and advises that the Assessment shows that with the proposed washer permanently dialled back (which is a lot quieter than was originally proposed), provided there is a time out switch installed to cut off its use after a certain time, the noise should not cause an unacceptable impact to residents. Notwithstanding

the above, the Officer considers that further measurements should be taken on site following its installation to ensure that the 'dialled back pressure' which was set at the other site has been maintained and has not changed when the washer is moved from its current location. Subject to conditions therefore the Public Protection Officer has no objection to the washdown facility.

CONCLUSION

The objections raised by the residents have been taken into account as part of the determination of this application, however, it is not considered they outweigh the planning merits of the proposal and on balance the appearance of the landscaped bunds will be a visual improvement of the boundaries of the site to the nearest residents in Treoes. Also, subject to conditions the washdown facility will not be detrimental to the amenities of the users of Waterton Industrial Estate and the nearest residents in Treoes to warrant refusal. As such the proposal is considered to comply with national and local planning policy and is recommended for approval.

RECOMMENDATION

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

1. The development shall be carried out in accordance with the following approved plans and documents:
Sheet Number PD3 - Site Layout Plan (received 4 September 2020);
Noise Assessment of Caravan Wash produced by inacoustic dated 11 July 2020 (received 13 July 2020);
Proposed Landscaping of Southern and Eastern Boundaries (received 13 March 2020);
Recommendations of Wildwood Ecology dated 19 February 2020 (received 13 July 2020)

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

2. The landscaping/tree planting shall be undertaken in accordance with the scheme submitted in the first planting season following the completion of the bunds.

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

3. 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, unless the Local Planning Authority gives its written consent to any variation.

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

4. The material remaining following the completion of the bunds shall be removed from the site within 6 months of the date of this consent.

Reason: The retention of any surplus soil would be detrimental to the visual amenities of the area.

5. The washer shall be restricted to the area shown on the amended site plan. No other washing or valeting activity shall take place at any other location on the site, including any mobile washing and valeting activities.

Reason: In the interests of general amenity.

6. Any washing activity shall be restricted to the hours of 08:00 to 20:00. Such an operational control shall be implemented by means of installing an in-line timed cut-off switch or equivalent, ensuring that no power is sent to the unit outside of the agreed operational hours.

Reason: In the interests of general amenity

7. The noise rating level of the washer when in operation and assessed in accordance with BS4142:2014+A1:2019 in free field conditions at any residential premises shall not exceed 31dB (LAeq, 1 hour).

Reason: In the interests of general amenity.

8. Prior to the washer being brought into beneficial use at Store With Us, Parc Crescent, a noise report shall be submitted to and agreed by the Local Planning Authority demonstrating by means of direct measurement or where this is not possible, a combination of measurement and calculation, to demonstrate that the rating level of the washer when in operation does not exceed the noise rating level specified in condition 7. Should the report conclude that these levels are not being met then the report should include a scheme of mitigation required to achieve these levels which must be carried out in full within a timescale agreed with the Local Planning Authority.

Reason: In the interests of general amenity.

9. The washer to be installed and retained shall be in accordance with the details submitted in section 4.2 of the Acoustic Report by Inacoustic dated 11th July 2020, project number 20-156.

Reason: In the interests of general amenity.

10. The drainage scheme as detailed in the details submitted on 4 September 2020 shall be implemented prior to the commencement of the operation of the washer and retained thereafter in perpetuity.

Reason: to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

11. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. This application is recommended for approval on the basis that the appearance of the landscaped bunds will be a visual improvement of the boundaries of the site to the nearest residents in Treoes and the washdown facility will not be detrimental to the amenities of the users of Waterton Industrial Estate and the nearest residents in Treoes.
- b. The bund should be constructed by a competent person using the appropriate plant with the soil used in the bund being substantially dry when placed, inert and compactable.
- c. The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers)

Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus.

- d. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- e. The applicant is advised that any change in washer will required a new application to include details of the new washer, including noise levels.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None