

REFERENCE: P/20/346/FUL

APPLICANT: Lidl GB LTD 19 Worples Road, London SW19 4JS

LOCATION: Lidl Regional Distribution Centre
Waterton Industrial Estate, Bridgend CF31 3PH

PROPOSAL: Extension to warehouse and administration block; extend and reconfigure car park, service yard and associated works

APPLICATION/SITE DESCRIPTION

Lidl Great Britain Ltd have submitted a full Planning application for the extension of its Regional Distribution Centre (RDC) on Waterton Industrial Estate to provide an additional 6401sqm of floorspace and the reconfiguration of the existing car park and servicing yard.

The site lies on Waterton Industrial Estate which is located just off Cowbridge Road (A48) on the south eastern edge of Bridgend. It consists of a Distribution Centre Warehouse, hard-surfaces, soft landscaping areas, a pump house, sprinkler tank and an attenuation pond. The ground floor of the existing Distribution Centre building is set at 18.8m AOD. There is a slight gradient across the hardstandings with the levels varying in height between 16.5m AOD - 18.7m AOD. The levels reduce further at the site entrance.

The site is bound by undeveloped land to the north which forms part of the Waterton Alderwood Site of Importance for Nature Conservation (SINC), other commercial units to the west and the A48 and railway line to the south. Ford Motor Company's Bridgend plant lies in close proximity to the north-east.

The proposed existing and proposed site layout plan are reproduced below for reference:



Fig. 1 – Existing and Proposed Layout

The development proposal consists of:

- (i) an extension to the warehouse of 5065 sqm (Gross Internal Area GIA) to create new ambient storage space;
- (ii) an extension to the Administration Office Block of 1180 sqm (GIA) to create improved office and welfare facilities;
- (iii) an extension to the Goods Out Block of 156 sqm (GIA) to provide improved office and welfare facilities;
- (iv) a new staff car park replacing the existing 143 space car park with a new 252 space car park (including 40 electric spaces) and 14 motorcycle spaces, a new 11 space accessible/visitor car park and 76 space cycle parking adjacent to the entrance of the administration office block;
- (v) new heavy goods vehicles (HGV) hardstanding area for vehicle circulation and

parking;

(vi) new external works including external seating and breakout space. Internal reconfiguration will also be carried out within the existing Distribution Centre Warehouse space.

(i) The proposed warehouse extension and re-aligned service road will extend the operational area beyond the footprint of the existing Distribution Depot through an existing landscaped bund into areas of green habitat comprising grassland, trees, hedgerows and small ephemeral pond.

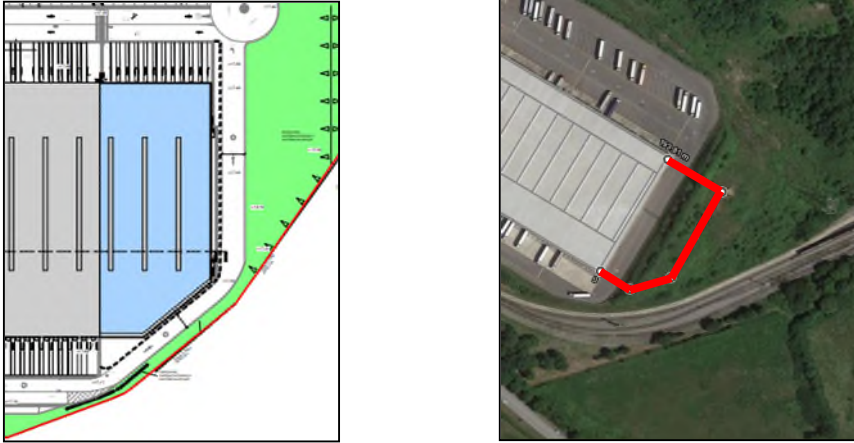


Fig. 2 – Proposed Warehouse Extension

The extension is a continuation of the existing building measuring 112m in depth and projecting a maximum of 49m from the existing elevation on the south eastern side. The curved roof will follow the existing, reaching a maximum height of 13.6m from ground level. The re-aligned service road will connect the rear service yard to the new HGV parking/stacking area at the front of the warehouse.

Beyond the 3.0m high close-boarded fence that will enclose the south-eastern boundary of the Distribution Centre, a new compensatory habitat will be created to support dormice and a range of other species including birds, bats and invertebrates. Adjacent areas will be protected with trees and hedgerows retained. The new and retained habitat/landscaping will measure 5m at its narrowest point alongside the re-positioned service road in the south eastern corner to a depth of some 70m to the existing security fencing alongside the railway line and sidings in the grounds of the Ford Engine Plant.

(ii) The two storey extension to the existing administration block is proposed to the front (north-eastern) elevation of the Distribution Centre. It will measure 28m x 22m with a flat roof reaching a height of 7.8m. New office space and ancillary rooms will be provided.

(iii) A new administrative block to support the distribution element of the business is proposed to the rear (south western) elevation of the Distribution Centre. The extension will measure 15m x 10m with a flat roof reaching a height of 5.2m.

Both extensions (ii) and (iii) will be constructed on the existing hardstandings of the Distribution Centre with the warehouse extension finished in aluminium/silver cladding panels to match the existing cladding and to align with the Lidl corporate identity. At lower levels painted precast concrete has been specified to provide a robust design and to reduce the need for add-on barrier protection. Painted precast concrete walls and PVC windows have been selected to be used for the administration block extension. Again these materials will match the existing administration block.

(iv), (v) & (vi) The existing hardstanding areas on the north eastern side of the Distribution Centre are used for the parking and movement of HGV and staff in a series of dedicated bays and circulatory routes. Beyond the 2.2m high security mesh fence which forms the current extent of the operation lies an area of grassland and scrub which extends into the Alderwood SINIC. The land, all within the ownership of Lidl, accommodates a pylon and is crossed by high voltage cables. The current extent of landownership is undefined on the ground.

The application proposes a complete re-configuration of the parking and servicing arrangements but over an extended area covering approximately 15000 sqm. A new 2.2m high security mesh fence will define the extent of the development site along its north eastern boundary. Inside this fence line the latest revised plans incorporate areas of new compensation dormice habitat ranging in depths of 5m alongside the new car parking areas increasing to 26m-40m adjacent to the new HGV parking and circulatory roads.

Beyond the landscape/habitat buffer and enclosed by 2m high close boarded fencing will be areas of parking dedicated to staff parking totalling 264 spaces including 40 electric spaces and 13 motorcycle spaces, a new 11 space accessible/visitor car park and cycle parking adjacent to the entrance of the administration office block. Some 59 bays for the parking (stacking) of HGVs occupies a major part of the new layout along with three roundabouts (internal) and associated access roads. Refuelling bays and rest areas for HGV drivers are a new part of the layout as are the breakout areas for office staff adjacent to the administration block. Footways, crossing points and barrier controlled access routes are all part of the revised parking and servicing arrangements.

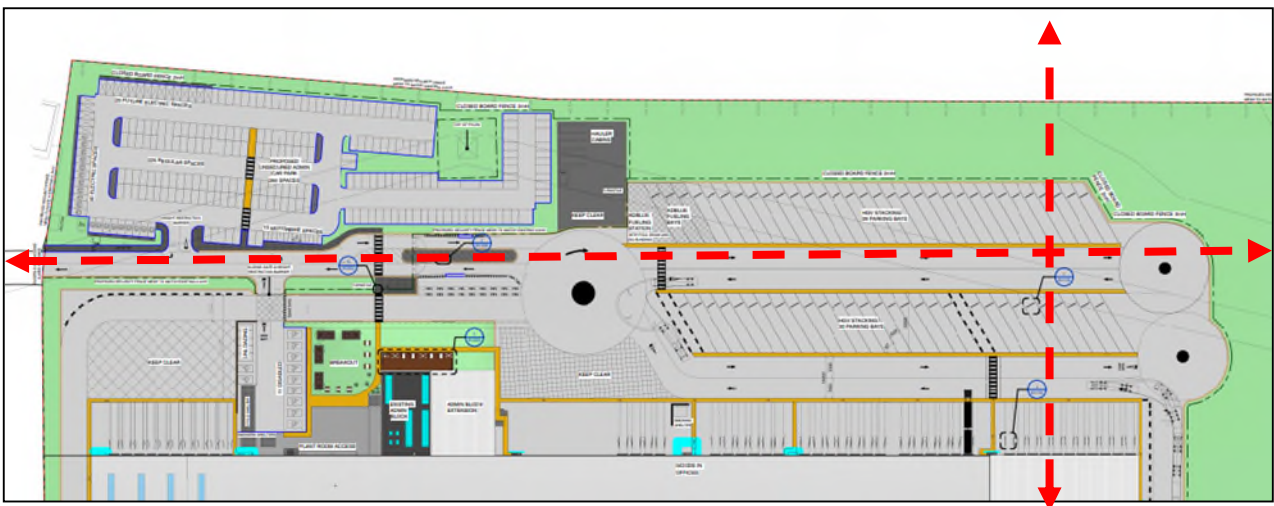


Fig. 3 – Proposed parking and servicing area with the current site boundary indicated by the red dotted line.

A raft of documents, assessments, surveys and reports have been submitted in support of the application as follows:-

- Planning Statement
- Design and Access Statement
- Ecological Survey
- Summary of Ecology Recommendations
- External Lighting Assessment
- Transport Assessment
- Pre-Application Consultation Report

In accordance with Part 1A of the Town and Country Planning (Development Management Procedures) (Wales) (Amended) Order 2016, the proposal has been the subject of a pre-application consultation process with specialist consultees and the

community including the surrounding Community Councils and local Ward Member.

RELEVANT HISTORY

P/00/408/FUL - Construction of B8 warehouse with associated offices access servicing and parking – CC – 6 September 2000.

P/00/409/OUT - Development of Land for B1, B2 and B8 uses with access – CC – 18 February 2002.

P/03/495/FUL - Construction of a B8 warehouse with associated offices, access, servicing and parking – CC – 19 June 2003.

P/12/354/FUL - Proposed extension and install new grey pvcu membrane over extended aluminium standing seam warehouse roof – UC – 20 June 2012

PUBLICITY

The application has been advertised on site. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Highways Officer - No objection subject to conditions.

Countryside Management Officer – Notwithstanding NRW input concerning the European protected species issues associated with this proposal, the management of the Alderwood Site of Importance for Nature Conservation (SINC) is also of significance. Therefore, the accompanying habitat management plan is welcomed and I recommend it be included within the conditions of consent.

Through prior discussions with Welsh Government concerning the future development of the Alderwood SINC, it was agreed that consultations could take place with a third party to undertake the future management of the wood as a means of maintaining and enhancing the qualifying SINC features. This third party has recently indicated that they would still wish to take on the future management of the wood and this approach is consistent with management implementation section of the habitat management plan.

Therefore I would recommend that the applicant pursue these discussions as a means of securing long-term management of the SINC and mitigation identified and I am happy to provide initial introductions. If an agreement can be come to with the third party, this agreement would not only ensure delivery of the management plan, it would also help satisfy delivery of Section 6 of the Environment (Wales) Act 2016. This Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

Shared Regulatory Services – Environment Team (Contaminated Land) Comments:

No objection subject to conditions. In reviewing available records and the application for the proposed development, the site has been identified as commercial/industrial. Contamination is not known at this site however, the potential for this cannot be ruled out. I therefore request the use of the 'unforeseen contamination' condition.

Landscaping and earthworks are indicated as part of the proposal. Should there be any importation of soils to develop the landscaped areas of the development or any site won recycled material or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the

introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Consequently, the inclusion of conditions to ensure the use of suitable materials is requested.

Shared Regulatory Services requests the inclusion of conditions and informative statements in accordance with CIEH best practice to ensure that the safety of future occupiers is not prejudiced in accordance with Policy ENV7 of the Bridgend County Borough Council Local Development Plan:

Drainage Officer - No objection subject to conditions.

Natural Resources Wales: We recommend that you should only grant Planning permission if you attach the conditions that require the implementation of the latest plans and that the dormouse mitigation measures outlined in the submitted reports are implemented as part of a comprehensive Landscape and Ecology Management Plan.

Dwr Cymru Welsh Water - We would request that if you are minded to grant Planning Consent for the above development that the recommended advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Vale of Glamorgan Council (as adjacent LPA) - Consideration has been given to this matter and I would inform you that this Authority does not wish to make any observations on the proposal. VoG Council do not object subject to Bridgend LPA being satisfied that the proposals do not harmfully impact upon the residential amenity.

South Wales Police – Designing out Crime Officer – No adverse comments.

REPRESENTATIONS RECEIVED

Cllr E Venables (Local Member) has expressed concerns that the development will result in the loss of part of the SINC. Such areas need to be protected. The Local Member has requested that the Development Control Committee consider the application.

The occupier of 2b Waterton Park supports the proposal but has expressed concerns about the impact of construction traffic and the need for this to be controlled so as not to impact on access to other businesses.

The points are addressed in the Appraisal section of this report.

POLICY CONTEXT

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment. A well-functioning Planning system is fundamental for sustainable development and achieving sustainable places (Paragraph 1.2 of Planning Policy Wales - Edition 10 – December 2018 refers).

Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led Planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers). The Well-being of Future

Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the Planning system. The most relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (2013) are:

Strategic Policy SP2 – Design and Sustainable Place Making
Strategic Policy SP3 – Strategic Transport Planning Principles
Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment
Strategic Policy SP9 – Employment and Economy – strategic site employment allocation

Policy ENV5 – Green Infrastructure
Policy ENV6 – Nature Conservation
Policy ENV7 – Natural Resource Protection and Public Health
Policy PLA4 – Climate Change and Peak Oil
Policy PLA7 – Transportation Proposals
Policy REG1 (29) – Employment Sites

Supplementary Planning Guidance (SPG):

SPG07: Trees and Development

SPG17: Car Parking Guidelines

SPG19: Biodiversity and Development: A Green Infrastructure Report

Policy SP2 (Design and Sustainable Place Making) in particular states:

1. All development should contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:
2. Complying with all relevant national policy and guidance where appropriate;
3. Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
4. Being of an appropriate scale, size and prominence;
5. Using land efficiently by:
 - being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
 - having a preference for development on previously developed land over greenfield land;
6. Providing for an appropriate mix of land uses;
7. Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
8. Minimising opportunities for crime to be generated or increased;
9. Avoiding or minimising noise, air, soil and water pollution;
10. Incorporating methods to ensure the site is free from contamination (including invasive species);
11. Safeguarding and enhancing biodiversity and green infrastructure;
12. Ensuring equality of access by all;
13. Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
14. Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
15. Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and
16. Appropriately contributing towards local, physical, social and community infrastructure, which is affected by the development.

The supporting text to this policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

In the determination of Planning applications regard should also be given to the requirements of National Planning Policy, which are not duplicated within the Local Development Plan.

The following Welsh Government Planning Policy will be relevant to the determination of any future Planning application on this site:

Planning Policy Wales (PPW) 10 (December 2018)

TAN 5: Nature Conservation and Planning

TAN 11: Noise

TAN 12: Design

TAN 18: Transport

TAN 23: Economic Development

The primary objective of PPW is to ensure that the Planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

Planning Policy Wales 10 (2018) paragraph 5.4.4 states *Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration*. It is expected that the proposed development will deliver an increase of 40 jobs in the long term while also allowing store expansion which will have further net gain in jobs and investment for Wales.

In terms of Active Travel, Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys particularly everyday journeys such as to and from a workplace. The Act requires Local Authorities to produce Integrated Network Maps identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.

APPRAISAL

The application is referred to the Development Control Committee at the request of the Local Member.

The main issues for consideration in the assessment of this application are:

- Whether the principle of extending this existing warehouse facility accords with the land use policies of the Bridgend Local Development Plan;
- Whether the impact of any additional traffic generated by the development on the highway network will be acceptable and whether the existing access arrangements are deemed safe with regard to pedestrians, cyclist and all other users of the highway;
- Whether the development will adversely impact on the character of the landscape and any biodiversity and habitats;
- Whether the visual impacts of the development will detract from the environment or neighbouring properties and
- Whether the development will affect flood risk or site drainage.

Whether the principle of extending this existing warehouse facility accords with the land use policies of the Bridgend Local Development Plan

The proposed development is located within an allocated employment site as defined by Policy REG1 of the LDP. Policy REG1 (8) of the LDP allocates and protects the site (Waterton Industrial Estate) for development falling within use classes B1, B2 and B8.

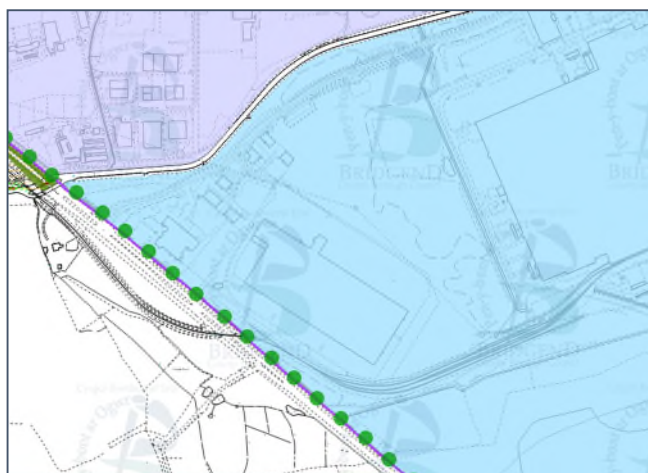


Fig. 4 Employment Site Designation under the Bridgend Local Development Plan

The proposed development seeks the extension of an existing distribution building (Class B8), the reconfiguration of its existing parking/servicing area and extended and improved office and welfare facilities. The proposed development complies with Policy REG1 of the LDP. Furthermore, Planning Policy Wales 10 (2018) paragraph 5.4.4 states:

Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.

It is expected that the proposed development will deliver an increase of 40 jobs in the long term while also allowing store expansion which will have further net gain in jobs and investment for Wales.

Policies of the Local Development Plan whilst seeking to spread prosperity and opportunities also seek to protect and enhance the natural environment. Development proposals that will adversely affect biodiversity and natural habitats will not generally be permitted with greatest protection being afforded to the strategically important sites such as Special Areas of Conservation, SSSIs, Nature Reserves and the Heritage Coast. Local sites of nature conservation are also afforded a level of protection and Policy ENV4 of the Local Plan states that development within or adjacent to a Site of Importance for Nature Conservation (SINC) should be compatible with the nature conservation or scientific interest of the area whilst promoting their educational role. Developments which would have an adverse impact on these sites will not be permitted unless the benefits associated with the development can be demonstrated to outweigh the harm and/or the harm can be reduced or removed by appropriate mitigation and/or compensation measures.

As indicated at the introduction, part of the proposed development (the enlarged parking and servicing area) will extend into the Waterton Alderwood SINC. The extent of the incursion is illustrated on Figure 5 below which shows the boundary of the SINC within the dark blue line on the plan as it relates to the development site.

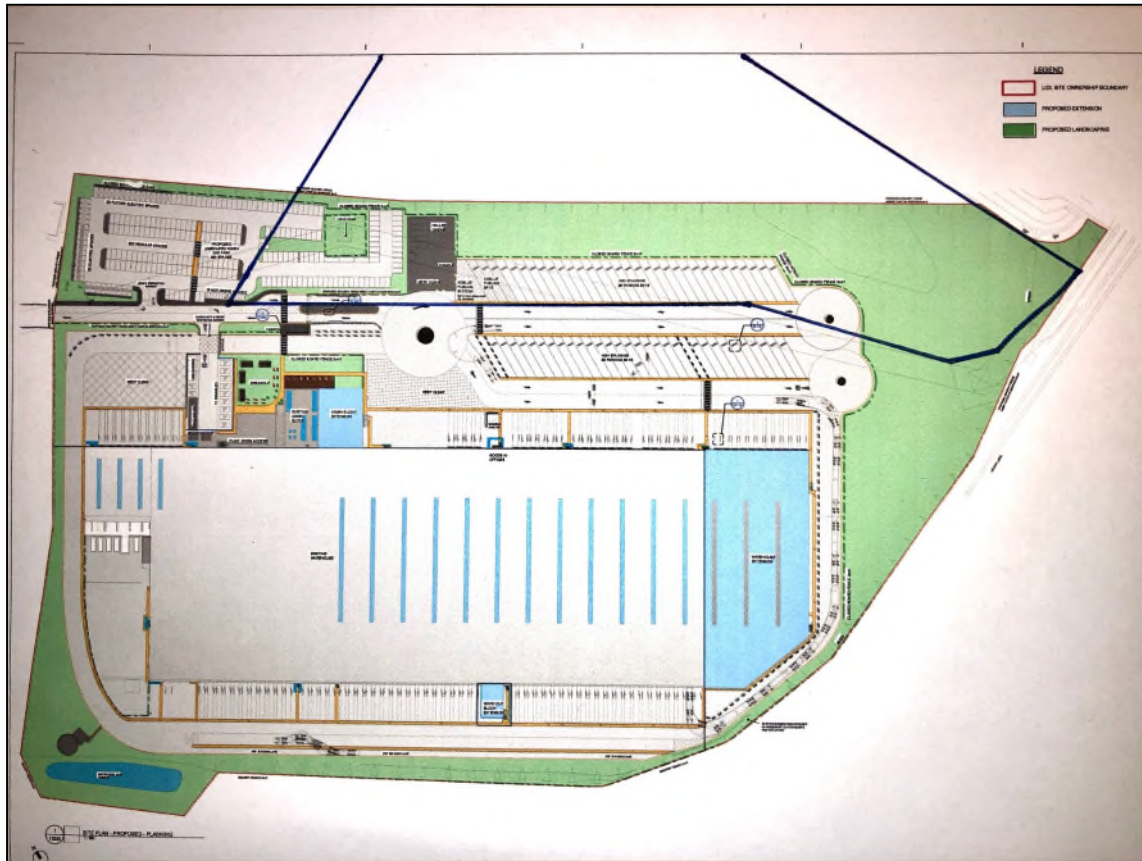


Fig. 5 – Extract of Site Layout Plan with the Boundary of the SINC in blue

The Landscape and Ecological Management Plan submitted by the applicant company describes the extent of the proposed works necessary to facilitate the development:

Development is going to affect a strip of land to the north-east and south-east of the existing warehouse site. The existing habitat against the north-east boundary fence line contains leggy bramble with moderate value for wildlife. The bank of dense scrub against the south-east fence (outside the SINC) has a greater diversity of species and offers better quality dormouse habitat in terms of shelter and food sources. Both areas were recorded to support breeding bird activity, the vegetation will be removed, and the ground levels re-profiled to enable the warehouse expansion to occur. The small ephemeral water body, referred to, as pond 1, will be lost in this process. There is no impact on the mature woodland area of the SINC, the Brocastle Brook watercourse, pond 2, and the majority of the marshy grassland.

The development site is assessed to be of high nature conservation value in terms of habitats and species and, for any development to be acceptable in terms of all the policies of the Development Plan, it will have to offer a scheme of mitigation and compensation to minimise harm and potential impacts with the objective of retaining a resilient ecosystem at the site. Furthermore, it must be demonstrated that the steps taken to provide a robust scheme of mitigation outweigh negative impacts and harm to its features. Negotiations between the developer, the Council and Natural Resources Wales have resulted in the submission of an amended site layout that proposes the creation, retention and management of the following features:

- New planting of species to favour dormouse in a wide band to the south-east of the expanded warehouse facility with connectivity at the eastern end adjacent to Waterton Alderwood SINC;

- New planting to favour dormouse to enhance existing planting in site boundary zones along north-west and south-west perimeter;
- New planting of shrubs to favour biodiversity around new staff parking zone;
- Existing short perennial grassland in retained habitat;
- Existing scrub in retained habitat;
- Installation of 20 dormouse nest boxes;
- Creation of new pond;
- Creation of a reptile hibernacula, and;
- New fencing to protect the natural habitats and deflect artificial lighting.

A Management Scheme has also been prepared for both the ecological and general landscape aspects of the site providing management recommendations, indicating a general timetable and the responsibilities of the owner/developer as well as laying out monitoring activities of the ecological features.

In their consultation response to the latest plans Natural Resources Wales and the Council's Ecologist have requested the imposition of Planning conditions which secure the implementation of the dormouse mitigation measures outlined in the updated ecology reports as part of a comprehensive Landscape and Ecology Management Plan. NRW note the revision and reduction in the area given to HGV parking and the provision of a wider buffer of dormouse habitat. Based on these revisions NRW and the Council's Ecologist consider there should not be a detriment to the maintenance of the favourable conservation status of the dormice present. Overall the impact of the development on the SINC is not considered significantly adverse and measures to mitigate and compensate will ensure that the development complies with Policies SP4 and ENV4 of the Bridgend Local Development Plan. Furthermore, the implementation of a management programme for the areas of the SINC within the developer's control will protect and enhance this natural green infrastructure provision in accordance with Policy ENV5.

The principal of the development therefore accords with both national and local Planning policies. Considerations of detail are set out in the sections below.

Whether the impact of any additional traffic generated by the development on the highway network will be acceptable and whether the existing access arrangements are deemed safe with regard to pedestrians, cyclist and all other users of the highway

The submitted layout and the impact of the development on the surrounding highway network has been thoroughly examined by the Transportation and Engineering Section.

The Transport Assessment (TA) noted that the local highway network had been designed for the industrial nature of the surrounding area with generous carriageway widths and geometry to facilitate the swept path requirements of articulated vehicles. The site is reasonably well located in terms of public transport and the car and cycle parking arrangements are considered to accord with adopted SPG standards.

In respect of impact of the wider local highway network, the TA assesses the proposed development as generating a negligible impact on these local junctions. With the impact of the proposed development demonstrated to be negligible typically, capacity analysis would not usually be required. Notwithstanding this, it has been undertaken at the A48/Waterton Industrial estate signal junction to provide the Highways Authority with further reassurance the development will not lead to highway safety or capacity concerns. The assessment indicates that sufficient capacity on the local highway network is available to accommodate the proposed development.

There have been concerns that the application site is not well connected to the public footways and active travel routes on the Ford access road or beyond. Pedestrians until recently have had to walk in the carriageway on the access road as the footway was not continuous. This risked pedestrian safety particularly given the mix of HGV traffic using the access. Works have recently been undertaken to provide a dropped footway crossing to address this issue. Whilst it is understood this new arrangement was in situ prior to the completion of the adjacent office accommodation, it appears to have been changed to a planted verge some years ago. Based on the current arrangement (which returns the original arrangement serving the Lidl site) the situation for pedestrian access is considered acceptable. Notwithstanding this view, it is noted that the footway improvement works were undertaken on land not strictly under the direct control of the applicant or the Highway Authority although it is understood that the applicant has rights of access over the land in question. Accordingly, whilst there is a reasonable prospect that the arrangement will remain, there is concern that the landowner in due course could remove these works which would reintroduce the pedestrian safety concern. Given that this is a private access road, it is considered that the matter of increased highway safety as a result of that situation would be for the developer and landowner to accept.

The site is close to a recently constructed cycle route along the Ford Engine Plant access road. This route will imminently link to the proposed route along route A48 and works which have commenced at the A473/A48 Waterton Roundabout. Unfortunately the access road serving the site from the Ford access road roundabout has no cycling facilities and relies on cyclists using the carriageway. Any cyclists wishing to access the site will be at risk of vehicle conflict and this is of particular concern given the significant percentage of HGV traffic involved. This is an existing situation and there is insufficient control over the access to significantly alter its layout. It is considered that the risks would deter any new cyclists and would not accord with national Planning policy and the Active Travel agenda. As with the above concern, the access is private and the matter of increased highway safety as a result of increased cyclists would be for the developer and landowner to accept. In order to assist in promoting the Active Travel agenda, the developer should prepare and monitor a Travel Plan which should address modal shift for both staff and visitors. To assist with reducing the risk of cyclist/vehicular conflict a Traffic and Delivery Plan should be prepared to provide adequate information to all staff, visitors and delivery and maintenance vehicles of the potential for the presence of cyclists on the access together with appropriate signage to remind drivers.

Whether the development will adversely affect the character of the landscape and any biodiversity and habitats

The application site comprises the existing Distribution Centre, associated service and operational areas and the landscaping buffer zones that were part of the original development. Even accounting for the site's close proximity to the Waterton Alderwood SINC, in landscape terms the site is very much part of the built form of Waterton Industrial Estate and the larger settlement of Bridgend. The development of the new Brocastle Business Park to the south east further reinforces this view.



Fig. 6-Landscaped bund on south eastern boundary (to be removed)

Nevertheless, extensive areas of landscaping, particularly on the south eastern boundary will be removed to accommodate the development – see Figure 6 above and Figure 7 below:



Fig. 7-Landscaped area on north eastern boundary (to be removed)

Whilst new areas of planting will be implemented on the remaining land, the loss is regrettable and there will be some adverse effects on the local landscape consequently. New planting will take a number of years to establish and will not have the advantage of raised ground levels to give more immediate impact. That said, the direct changes to the landscape character resulting from the works would only be perceived from a relatively small area beyond the application site. The impacts on the wider landscape beyond would be more limited. The existing detracting human influences such as a pylon, power lines, wind turbine and the complex of large buildings and associated infrastructure within the landscape combined with the limited visibility of the development, further minimises the impact of the development on landscape character. The impacts on visual amenity will be considered later in this report.

Biodiversity underpins the structure and functioning of ecosystems and the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems at various scales by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.

The presence of a species protected under European or UK legislation or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a Planning Authority is considering a development proposal which if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained.

Extensive ecological surveys have been undertaken on site which have established the presence of reptiles, amphibians, dormice, bats and breeding birds.

Dormice are protected under the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the provisions of the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The removal of habitat where dormouse can be present results in the need for a European Protected Species (EPS) Licence which would be issued by Natural Resources Wales (NRW) before any work with potential to affect dormice is carried out.

As there are protected species present, the Local Planning Authority must establish whether "the three tests" set out in the legislation have been met prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative".
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

Based on the evidence submitted with the application and the implementation of the proposed mitigation and compensation works through the grant of consent, there is no reason why not all three tests can be met. Furthermore, Natural Resources Wales have confirmed that the favourable conservation status of dormice should not be adversely affected. The development will therefore accord with both national and local Planning policies.

Whether the visual impacts of the development will detract from the environment or neighbouring properties

This assessment has particular regard to criteria 2 and 3 of Policy SP2 which require that new development has a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and landscape character and is appropriate with regard to scale, size and prominence.

A Design and Access Statement has accompanied the application which suggests that the design has been formulated following thorough contextual analysis of the site and in response to advice offered at pre-application application stage by the Council. The submitted proposals have evolved from a conceptual design which led to a number of iterations before the submitted proposals were worked up to a detailed form. Further changes have been made to address the concerns of Natural Resources Wales in respect of the impact of the development on protected habitats and this has resulted in changes to the design and form of the proposed landscaping. Originally it was intended to replace the landscaped earth bund on the south eastern boundary of the site but that has been omitted as the new ground levels formed beyond the footprint of the development will have to tie into existing levels to ensure that appropriate replacement habitat is provided.

The submitted application drawings illustrate the main extension is proposed to integrate seamlessly with the existing built form of the building at its eastern elevation. Similarly, the proposed administration building extension closely matches the existing administration building in scale and form. In the immediate surroundings the proposed extension will have a limited impact.

The impact of the extension and in particular the loss of the landscaping buffers on the south eastern side must be considered along with the visual impacts of the extended parking and servicing area.

Visual receptors in this case have been identified as users of the Public Rights of Way near the site, users of Bridgend Golf Club, users of the adjacent highways and the occupiers of the nearest dwellings.

The Rights of Way in the area are of local importance, are highly valued and are well used. The nearest Public Right of Way runs along the northern boundary of the new Brocastle Business Park. Views of the site from the route are partly obscured by hedgerows, occasional trees and the existing banded landscaping areas that will be removed to facilitate the development. Consequently, the extended building will be a more

prominent structure for users of the route having a moderately adverse impact on visual amenities. Some mitigation will be offered in the form of new planting in the retained green corridor between the site and the railway line. Although not on raised ground, the planting along with the extensive landscaping and ecological works that will provide the setting of the Right of Way on the Brocastle development will further limit the impact of the works.

Impacts on other Rights of Way which are more distant from the development, are not considered so significant.

The Bridgend Golf Club occupies an area to the south west of the application site. Existing trees and hedgerows allow only glimpsed views of the Distribution Centre building and the proposed extension and they will be set against the complex of other buildings that form this part of Waterton Industrial Estate. The removal of the landscape buffer will be evident but not harmful to the visual amenities enjoyed by users of the facility.

Views from the local road network in particular the A48 must also be considered although they are transient and of less value with the receptors attention being focused on the task of driving. From the more distant approaches on the A48 on Crack Hill the site appears part of the Industrial Estate with the large buildings and wind turbine being the more dominant and detracting features. The proposed works will basically increase the mass of the building but at this distance, with no discernible visual impact.

As the site is approached after passing Brocastle Manor and the entrance to the new business park, the existing roadside hedges, particularly in the Spring and Summer months, obscure the views of the site for road users. Gaps in the hedgeline do however exist and at these locations the removal of the landscaping and new works will be most prominent and will have an adverse visual impact. Mitigation in the form of the proposed landscaping and the extensive planting works that form part of the Brocastle Estate will to some extent minimise the impacts in the medium to long term.



**Fig. 8 View of existing landscaped area on south-eastern boundary from A48
(to be removed)**

The nearest dwellings to the development lie on the south western side of the A48 and are approximately 300m from the nearest part of the extension. The orientation of the dwellings is such that they directly face the development but over a significant distance. Issues of domination, loss of light are not factors to be considered. The existing roadside hedge and field boundaries offer a reasonable level of screening when viewed from the ground floor windows but are less effective when viewed from the first floors of the respective properties. The extended building and site clearance works will be visible and will have an impact on the visual amenities enjoyed by the residents. It should be noted that this is however over a significant distance. Furthermore, new planting will minimise the impact over time and it is not considered grounds to refuse this application.

For completeness the visual impact of the extended servicing and parking area must also be considered although the visual receptors on the north eastern side of the site are not so important comprising of the users of Waterton Industrial Estate/Ford Access Road/Active Travel Route, the occupiers of the adjacent business units and the users of the adjacent Waterton Alderwood SINC. It should be noted however, that the SINC is on private land and public access is not permitted.

Existing roadside vegetation again obscures views of the development for users of Waterton Industrial Estate/Ford Access road. As highway users approach Waterton Business Park the planting disappears and the following view of experienced:



Fig. 9 View of site from Ford Access Road

Looking south the foreground comprises managed grassland on the edge of the SINC. The existing Distribution Centre, pylon and power lines draw views although the vegetation that has formed along the boundary is noticeable. Again, the loss of this landscape feature is regrettable but new planting on the boundary which has been enhanced on the latest layout plan will compensate it. Over time this will enhance the views of the development when viewed from this perspective. The impacts on visual amenity will be moderate for users of the highway.

There will be a number of direct views of the site from the three storey office blocks that form Waterton Park. View over greenspace will be replaced by view of the extended parking and servicing areas. The loss of greenspace and to some extent the amenities enjoyed by the occupiers of these commercial units must be balanced against the site's allocation for industrial development in the Bridgend Local Development Plan. Landscaping areas around the development area will minimise the impacts of the works.

Overall, the proposed development and in particular the loss of the extensive landscaping buffer will have some adverse visual impacts particularly on the views from the public Rights of Way and to a lesser extent, the occupiers of the nearest dwellings. Those impacts have to be considered against the economic benefits of allowing and expansion of this facility on land allocated for employment purposes which will secure the long-term future of the Distribution Centre at this location. Furthermore, new landscaping as part of this and the adjoining Brocastle development will mitigate some of the adverse impacts.

Noise generated by the existing facility has not been a previous concern to the Council and there is no evidence to suggest that the extended operation will cause any issues in the future. A condition will be imposed that requires the agreement of a Construction Management Plan before development commences. It will need to include an assessment of construction impacts which includes the key receptors namely the nearest residential properties, Maes yr Haf and Waterton House. Working and deliveries hours for external construction activities will be restricted to between 08:00 – 18:00 Mon to Fri and 08:30 – 13:00 Sat. There will be no works on Sundays or Bank Holiday.

Whether the development will affect flood risk or site drainage.

The Council's Land Drainage Officer has assessed the submitted scheme and notes that the proposed development is not located within a Flood Risk Zone, is not located within 20m of a watercourse and does not propose to increase flood risk elsewhere. The application form states foul water will be disposed via other mains and states there will be potential trade effluent/waste from the parking area. A foul drainage layout has been provided. The mapping database identifies a public rising main, it is understood the gravity sewers connect to the pumping station. A fuel interception retention system is proposed to manage any fuel spillages. The applicant will be required to contact Dwr Cymru Welsh Water to discuss the proposed connection to the public sewer and trade effluent disposal to the public sewer.

Surface water from the development site will be disposed to the River Ewenny via an existing piped network. The proposed onsite drainage will include rain gardens, permeable paving, swale and filter drains which will connect to a new pipe network connecting to the existing drainage system. Flows will be restricted to greenfield run-off rate with attenuation provided via geocellular crates. It should be noted that the applicant has submitted a SAB approval application to this Authority. In view of this it is considered necessary to attach a condition to the consent requiring the submission of a comprehensive drainage scheme in accordance with Policy SP2 (13) of the BLDP (2013).

CONCLUSION

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having regard to the above, weighing up of all material considerations relevant to this scheme, in pure Planning terms it is considered that the proposed expansion of the Distribution Centre is acceptable in this specific location due to the allocated and protected nature of the wider site for employment purposes and in regard to its potential impacts on surrounding residents by way of visual impact, noise, air quality and any impact on the character and appearance of the site and surrounding areas, its potential impact on biodiversity in and around the site and its potential impact on the highway network and drainage in and around the site.

Any impacts on biodiversity interest have been mitigated and compensated for and those impacts on local visual amenities are not so significant to warrant a refusal of permission and would have to be weighed up against the overall economic benefit to the wider County Borough through the safeguarding of existing jobs and the creation of much needed employment opportunities in the area.

Section 3 of the Wellbeing 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
- 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 because of the proposed development

The application is therefore recommended for approval subject to the following conditions and informative notes.

RECOMMENDATION

(R02) 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: plan numbers:

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-13000-P03 - Location Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-13100-P04 - Existing Site Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-13200-P05 - Proposed Site Plan received on 23/10/20

DRAWING NO 1274 Landscape Plan by HRH Design Associates – Revision received on 23/10/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-14201-P04 - Proposed Elevations South & West received on 23/10/20

GB-P580BRE-XX-PLA-DR-ZZ-ZZ-INF-14200-P06 - Proposed Elevations North & East received on 23/10/20

GB-P580BRE-XX-PLA-DR-WH-XX-03200-P03 - Proposed Site Plan received on 23/10/20

GB-P580BRE-XX-PLA-DR-WH-02-10202-P04 - Proposed Roof Plan received on 23/10/20

GB-P580BRE-XX-PLA-DR-ZZ-01-INF-10201-P05 - Proposed First Floor Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-01-INF-10201-P05 - Proposed First Floor Plan received on 19/5/20

GB-P580BRE-XX-PLA-DR-ZZ-GF-INF-10200-P03 - Proposed Ground Floor Plan received on 19/5/20

Recommendations and Mitigation Measures included within:

- External Lighting Assessment by Brentwood Consulting Engineers Inc. Drawing 5504-E01 Revision P05
- An Ecological Survey Report By: Just Mammals Consultancy – October 2020
- A Summary of Ecology Recommendations By: Just Mammals Consultancy – October 2020
- Design and Access Statement – (Amended)
- A Landscape and Ecological Management Plan By: by Just Mammals Consultancy – December 2020

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

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the site or the completion of the development whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To preserve the amenities of the area and in the interests of biodiversity within and around the site

3. The cycle parking stands shall implemented before the development is brought into beneficial use and shall be maintained and retained in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site

4. Within three months of the development commencing, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall contain targets, measures and initiatives relating to the encouragement and promotion of the use of sustainable transport for journeys to and from the site. The approved plan shall be implemented within 6 months of the commencement of the beneficial use of the development and shall be subject to periodic review and monitoring with annual reports prepared by the occupier and submitted to the Local Planning Authority.

Reason: In the interests of promoting sustainable modes of transport to and from the site

5. The car and HGV parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purposes of parking in perpetuity.

Reason: In the interests of highway safety.

6. HGV manoeuvring areas shall be completed in permanent materials with the areas clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purposes of turning in perpetuity.

Reason: In the interests of highway safety.

7. No development apart from site clearance works shall commence until a Traffic & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the site shall be made in accordance with approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety

8. No development apart from site clearance works shall commence until a scheme for the comprehensive and integrated drainage of the site showing how foul, road and roof/yard water will be dealt with including future maintenance requirements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: to ensure that effective drainage facilities are provided for the proposed

development and that flood risk is not increased.

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced

12. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *
Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Factors to be taken into account in making Planning decisions (material considerations)

must be Planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability. In this case, it is considered that the information submitted in support of the development is material to the determination of the application and has been taken into account during the consideration of the proposal.

On balance and having regard to the above, weighing up of all material considerations relevant to this scheme, in pure Planning terms it is considered that the proposed expansion of the Distribution Centre is acceptable in this specific location due to the allocated and protected nature of the wider site for employment purposes and in regard to its potential impacts on surrounding residents by way of visual impact, noise, air quality and any impact on the character and appearance of the site and surrounding areas, its potential impact on biodiversity in and around the site and its potential impact on the highway network and drainage in and around the site.

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- A Wales of vibrant culture and thriving Welsh language
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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 because of the proposed development

In order to satisfy Condition 8 provision of an agreement in principle from DCWW for trade effluent/waste disposal to the public sewer is required.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background papers
None