

**REFERENCE:** P/20/373/FUL

**APPLICANT:** CDS (Superstores International) Ltd, The Range, Head Office,  
Unit 15 William Prance Road, Plymouth PL6 5ZD

**LOCATION:** The Range, Unit 6/7 Royal London Park, Waterton CF31 3YN

**PROPOSAL:** Siting of two 2.4m x 6.1m steel storage containers for use in connection with The Range

**RECEIVED:** 2 June 2020

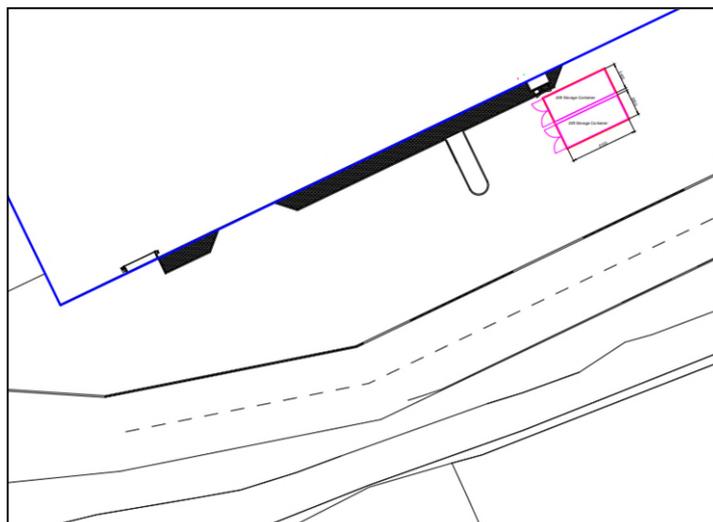
**APPLICATION/SITE DESCRIPTION**

This application seeks retrospective consent for the siting of two containers in the service yard at the rear of Units 6 & 7 on Waterton Retail Park.



**Fig. 1 – Site Location Plan**

The two steel containers are demountable measuring 2.4 metres wide, 6.1 metres in length and 2.65m in height and are positioned adjacent to the rear elevation of the unit and some 6m from the service road and 13m from the boundary of the site, which is shared with Waterton Lane. The containers provide storage space for The Range retail outlet.



**Fig. 2 – Site Layout Plan**



**Fig. 3 – Photos of Containers**

The application has been supported by a vehicle servicing assessment by Vectos – Transport Consultants that seeks to demonstrate that servicing arrangements for The Range and Tapi Carpets will not be compromised by the siting of the two units.

Through negotiations, the applicant has also submitted a Service Delivery Management Scheme that seeks to control deliveries to the store and management of the external storage area. Under the terms of the original permission for the site no such controls currently exist.

Units 6 and 7 are located at the western end of the Retail Park, separated from a customer parking area and Park boundary by a new unit occupied by Tapi Carpets. Residential properties at Waterton Lane lie to the south and south west of the application site and the Fitness Centre and associated car park lie immediately to the west of the Retail Park. The land slopes from north to south which results in the retail warehousing units being set at a lower level than the A473 with Waterton Lane and the residential properties being set at a lower level than the Retail Park. A retaining wall and roadside hedge separates the site from the nearest properties on Waterton Lane.

### **RELEVANT HISTORY**

P/15/743/FUL – An application to erect a polytunnel in the yard to the rear of The Range, to aid the management of stock deliveries was refused planning permission for the following reason:

*Insufficient information has been submitted to enable the implications of the proposed polytunnels on the reversing manoeuvres of HGVs delivering or collecting goods to or from the premises to be properly considered by the Local Planning Authority to the potential detriment of highway safety within the site contrary to Policy SP2 of the Bridgend Local Development Plan (2013).*

P/15/640/FUL – Planning permission for an extension to the retail park to provide one additional unit (now Tapi Carpets) was allowed on appeal on 14 September 2017. The approved documents included a plan of the service yard at the rear of the new unit and Units 6 and 7. Conditions were imposed that required the delivery turning area to be demarcated in permanent materials prior to the new retail unit being brought into beneficial use and for that area to be retained clear of goods, material and equipment at all times and in perpetuity. No goods, materials or equipment were permitted to be stored outside the new building. The unit is occupied and the turning area has been laid out in accordance with the approved plans.

## **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.

## **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 and within which the following Policies are of relevance:

Policies SP1 & PLA1 - Settlement Hierarchy – Main Settlement - Bridgend

Policy REG10 (2) – Existing Retail Development Outside of Retailing and Commercial Centres – Waterton Retail Park – Bulky Comparison Goods

Strategic Policy SP2 - Design and Sustainable Place Making

Policy ENV7 – Natural Resource Protection and Public Health

Development proposals will only be permitted where it can be demonstrated that they would not cause a new or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to...noise pollution, light pollution; Development in areas currently subject to the above will need to demonstrate mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.

Policy PLA11 - Parking Standards

### Supplementary Planning Guidance:

SPG 17 - Parking Standards

### National Planning Policy and Guidance:

Both Future Wales (FW) – The National Plan 2040 and Planning Policy Wales (PPW) (Edition 11 February 2021) are of relevance to the determination of this application.

PPW reminds us that development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding Planning applications. The Planning Authority working collaboratively with those proposing developments and other stakeholders including the local community, leads it.

Planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. The most appropriate way of achieving this is through a placemaking approach which focuses on positive outcomes that draw upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness and well-being in the widest sense. The key Planning principle in the case of this development is maximising environmental protection and limiting environmental impact.

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 (Paragraphs 5.4.1 and 5.4.2 refer). The Welsh Government seeks to maximise opportunities to strengthen the foundational economy particularly the food, retail, tourism and care sectors which play such a prominent role throughout Wales; the Planning system should be supportive of this aim.

PPW confirms that an appropriate soundscape contributes to a positive experience of place as well as being necessary for public health, amenity and well-being. It is an indicator of local environmental quality and an integral quality of place which should be protected through preventative or proactive action through the Planning system. Noise and pollution can have negative effect on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible. The Planning system should maximise its contribution to achieving the well-being goals and in particular a healthier Wales by aiming to reduce average population exposure to noise pollution alongside action to tackle high pollution hotspots. The key Planning policy principle is to consider the effects which proposed developments may have on soundscape quality. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change.

Paragraph 6.7.17 of PPW states 'The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures'.

## **CONSULTATION RESPONSES**

**Coychurch Lower Community Council** feels the solution provided by 'The Range' of two containers (already in place) is a wholly inadequate response to the issue of storing all of their stock safely. Environmental Health (Shared Regulatory Services) are already involved due to the rat infestation issue and this is a cause of great concern for the safety of the staff and customers of all the shops as well as the neighbouring residents. The Range need to propose a proper solution that will ensure all stock is housed securely from delivery to sale.

**Transportation Officer (Highways)** – No objection subject to conditions.

**Shared Regulatory Services** - No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of Moss Nook and Waterton Mill. The contents of their submissions are summarised as follows:

1. Longstanding problems with the tenants of the unit – operating yard used for external storage with disturbance created by the movement of forklift trucks and pallet trucks and the loading and unloading of goods throughout the day and evenings, 7 days a week. Habitable rooms and gardens of properties face the development site. The root of the problem stems from the fact that the Range have a totally inadequate stock room for the size of the store.
2. The siting of the containers will only exacerbate the problems with the ferrying of stock etc. between the containers and the 'Goods Inwards' access door - this will result in a multitude of daily movements over the raised yellow hatch markings as they traverse between the containers and the rear access to the store.
3. Additional lighting is likely to be required which could also impact on the amenity of residents.
4. Outside storage of dried food has resulted in a problem with rats which has transferred

to adjoining land including nearby dwellings – a matter brought to the attention of the Environmental Health Department.

5. Vacant unit alongside The Range would provide a stockroom for the main store.
6. The acoustic fence erected as part of the Tapi Carpets extensions is totally ineffective at attenuating the noise generated from the service yard.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by a local resident:-

1. It is evident from the representations received that the unrestricted servicing area to the rear of the existing retail units has caused a degree of disturbance to a number of residents on Waterton Lane. Part of the problem does stem from the limited warehouse space within the unit. This is however an existing situation that cannot be reviewed under the current Planning application. Officers in the Shared Regulatory Services Section have sought to address the complaints over the years through negotiation with the various managers of the store. As officers understand the situation, the storage containers were sited to improve stock management due in part to the inadequate size of the warehouse. Prior to the siting of the containers when a delivery was received all of the stock apart from perishable goods it is assumed, were stored outside. Wet weather restricted the outside sorting of stock so the containers provided a covered holding area for half the stock delivered with much of the remaining stock being moved directly to the warehouse. Eventually the goods in the containers are transported to the warehouse, when space allows.

Officers in the Shared Regulatory Services Section were initially of the opinion that the siting of the containers would generate additional noise through the movement of stock in and out of the containers and it being transported to the warehouse. The store manager however introduced a number of measures to reduce noise and these have been worked up into a Service and Delivery Management Scheme. It introduces controls over the deliveries and management of the external storage yard which are currently not in place and represent an acceptable level of mitigation to the introduction of the storage containers and beyond that the operation of the unit more generally.

2. The Service and Delivery Management Scheme introduces some controls on deliveries to the unit including the following:
  - All delivery vehicles shall arrive via the rear service access road and unload only within the service yard to the rear of the premises.
  - All delivery vehicles shall shut down their engines while unloading.
  - There shall be no deliveries outside of the hours of 8am to 6pm Monday to Saturday.
  - There shall be no deliveries on Sundays.
  - All deliveries shall occur to the rear of the store within the area defined by the acoustic fence

The plan may not address all the issues of noise associated with the operation of the retail park but its implementation should represent an improvement on the current unregulated situation.

3. No additional lighting is proposed as part of the application.
4. Problems of vermin associated with the outside storage of goods on any of the retail units is a matter controlled under Environmental Health legislation.

5. The use of the adjacent unit as a warehouse for The Range may seem a reasonable solution but is beyond the scope of this application. It should be noted that the unit is no longer vacant.
6. It is disappointing to receive comments that the acoustic fence erected as part of the Tapi carpet development is having no benefits. The technical evidence presented at the time of the public enquiry suggested otherwise. It is noted that the fencing has been erected in accordance with the approved plans. Recent investigations by Shared Regulatory Services revealed that the additional noise from The Range was mainly attributed to the type of deliveries that were being received at the start of the Covid pandemic and the area where they were unloading. Any issues of noise and disturbance would now have to be considered outside the Planning process, although the proposed Service and Delivery Management Scheme will address many of these issues.

## **APPRAISAL**

This application is referred to the Development Control Committee for consideration in view of the objections received from the local residents and Community Council. It seeks retrospective consent for the siting of two containers in the servicing yard at the rear of Units 6/7 on Waterton Retail Park. Details of the application including a summary of the objections received and the policy framework against which the application will be assessed and are set out above.

In consideration of the foregoing, the main issues in the determination of the application are:

- compliance with the site allocating policies,
- the effect of the development upon the living conditions of the occupiers of neighbouring residential properties with particular reference to levels of noise and general disturbance and the extent to which any of the impacts can be minimised,
- the siting of the containers and their impact on the character and appearance of the area
- whether the siting of the containers would prejudice the existing serving arrangements to the detriment of highway safety.

The application site is located on Waterton Retail Park which is designated as an existing 'out of centre' retail facility under Policy REG 10 (2) of the Bridgend Local Development Plan. The Policy outlines six sites within the County Borough where out of centre retail activity is located and should be concentrated. The Policy explains that allocated retail parks should contain a range of large retail stores including food stores selling convenience goods and retail bulky durable comparison goods such as DIY goods, electrical goods and furniture. Paragraph 5.2.26 of the Local Development Plan confirms that extensions within the boundaries of the retail parks will require retail assessment of need, sequential test and impact as stipulated by national policy. Whilst the containers could technically be considered as 'extensions' to the unit, they are only intended to be used for warehousing (not retail) and are relatively modest in scale. On the basis that conditions will control their use, it would be disproportionate to require any form of retail assessment. There is therefore no conflict with the retail policies of the adopted Plan.

From the representation received from residents and the Community Council, there is concern that the retention of the storage containers will affect the living conditions and wellbeing of existing residents. Both local and national policy recognise that noise pollution can have a negative effect on people and should be reduced as far as possible (Policies SP2 (8 &12) and ENV7 (2) refer). The objections are therefore material considerations.

As indicated in the earlier sections of this report, the operations in the servicing yards of Waterton Retail Park are unrestricted in Planning terms with reference to the original Planning permissions for the development. Due to the close proximity of housing along Waterton Lane, the operations have resulted in complaints over a number of years that have been actioned by colleagues in Shared Regulatory Services. It is evident from the submission that the containers have been sited to benefit the operators of the retail unit and without any form of control would in all probability result in an increased level of noise and disturbance to the residents. The application has however provided the means to review the servicing and delivery arrangements to this retail unit and the current operator has been prepared to consider through a Management Plan restrictions on the deliveries and the operation of the external storage area. They include the following:

#### Deliveries

- All delivery vehicles shall arrive via the rear service access road and unload only within the service yard to the rear of the premises.
- All delivery vehicles shall shut down their engines while unloading.
- There shall be no deliveries outside of the hours of 8am to 6pm Monday to Saturday.
- There shall be no deliveries on Sundays.
- All deliveries shall occur to the rear of the store within the area defined by the acoustic fence

#### Management of external storage

- All pallet trucks and any wheeled equipment used in the service yard shall have rubberised wheels and rollers which shall be maintained in good working order.
- No goods shall be delivered or transferred to the front of the store by forklift or any other means via the disused service yard alongside Unit 10. The exception will be the delivery of Christmas trees to the front of the store between 08:00 hours to 09:00 hours and returned to the warehouse between 19:00 hours to 20:00 in the months of November and December only.
- All vehicles/plant including the forklift truck which require reversing alarms shall be fitted with white noise reversing alarms.
- The two containers shall be provided with wooden floors which will be maintained in good condition.
- The sound pressure level associated with the forklift truck shall not exceed those set out in Appendix A.
- No external storage of goods (other than the storage of bark, chippings, compost and calor gas within the locked compound) shall be permitted other than those which have been delivered and are in the process of being organised in the yard for transfer to the warehouse, shop floor or two containers. No more than 22 pallets shall be sited in the yard at any one time and only while goods are being sorted for transfer. There shall be no permanent storage of pallets in the yard.
- The Range on receipt of a substantiated complaint or a request from the Local Planning Authority shall review the Service and Delivery Management Plan with a view to identifying what additional measures could be implemented to control noise associated with deliveries to the store.

The above measures which can be secured through the Planning consent, will not only mitigate any additional noise that would be generated through the movement of stock between the containers and the warehouse but will also introduce some control on the deliveries and management of the external storage area. This represents an improvement on the existing situation and compliance with both national and local Planning policy.

As a further safeguard given the nature of the development, a temporary permission is recommended which will also allow a review of the situation both with regard to the

appearance of the containers but also the operation of the Service and Delivery Management Plan.

Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located. The siting of the containers and their impact on the character and appearance of the area must therefore be considered against the relevant policies. In this case, it is considered that the containers are of a scale that are modest in comparison to the retail warehouse unit that they serve and due to their location at the rear of the premises will not be readily visible to the general public – the existing hedgeline and acoustic fence provide sufficient screening. Such structures generally have little or no aesthetic quality and can if not properly maintained deteriorate. The granting of a temporary consent will allow their appearance to be reviewed again later.

The Principal Officer Highways Development Control has assessed the siting of the containers and their impact on the servicing arrangements for the retail park. It is noted that the current use of Units 6 & 7 are linked as one large store. In the circumstances, the service yard area is considered sufficient to accommodate the single operator. Part of the area is however hatched out in order to provide for vehicular turning as a result of the construction of Unit 8 (Tapi Carpets) and is required for that consent. Accordingly, this area is not available for delivery vehicles for the Range to be parked to be unloaded. Furthermore the rear service yard area of Units 6 & 7 (The Range) is being utilised for storage of waste and recycling awaiting collection and it is apparent that the significant percentage of floor space given over to display and retail has had a detrimental effect on any back of house facilities (internal storage) which has overspilled onto the service yard.

As such it is considered necessary to suggest a condition requiring an area for delivery vehicles associated with Units 6 & 7 to be unloaded from so as that does not impinge on the turning area already demarcated. In addition, the provision of these units may be acceptable under these circumstances however, in the event that Units 6 & 7 are ever subdivided the service area associated with Unit 6 will be impacted by the presence of the containers and it is considered that these storage units should be removed under those circumstances. Subject to the imposition of Planning conditions addressing the foregoing, there is no objection to the development from a highway perspective.

## **CONCLUSION**

Overall, it is considered that this application which seeks retrospective consent for the siting of the storage containers is compliant with both national and local Planning policy.

The use of land accords with the allocating policies. The introduction of a Service and Delivery Management Plan for the store will establish Planning controls which do not currently exist and will not only mitigate the impacts of the operations associated with the containers but will also have wider benefits related with the storage yard and deliveries to site.

The residents' concerns are in no way dismissed but it is considered that activities on site will be carried out in a manner that has less of an impact in the future. Whilst the implementation of the Service and Delivery Management Plan through the consent will not address all the noise and disturbance associated with the retail park it will result in a betterment compared to the current situation.

With regard to the visual impact of the development and matters of highway safety, the imposition of Planning conditions will offer some safeguards and allow a positive recommendation to be made to Committee.

On balance and taking all material considerations into account including the objections received, the following recommendation is made.

### **Well-being of Future Generations (Wales) Act**

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
- 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.

### **The Socio Economic Duty**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

### **RECOMMENDATION**

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

1. The storage containers hereby permitted shall be removed from the site and the land restored to its former condition on or before 31 December 2024 or at any time that Units 6 & 7 are subdivided.

Reason: In the interests of visual amenities and highway safety.

2. From the date of this permission, deliveries and the service yard shall be managed and operated in accordance with the Service and Delivery Management Plan received by the Local Planning Authority on 1 April 2021 and including the requirement that all compost is transferred through the store. The scheme shall be implemented in full and shall remain in place for the lifetime of the development.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to exercise some control over the storage and delivery in the interest of protecting the amenity of local residents.

3. Within one month of the date of this Planning permission a scheme for the provision of a delivery vehicle unloading area for combined Units 6 & 7 shall be submitted to and agreed in writing by the Local Planning Authority. Within six months of the date of this permission the unloading area shall be completed in permanent materials and clearly demarcated in permanent materials in accordance with the approved layout and the area shall be retained for vehicle unloading purposes in perpetuity.

Reason: In the interests of highway safety.

4. \* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION \*

Overall, it is considered that this application which seeks retrospective consent for the siting of the storage containers, is compliant with both national and local Planning policy. The use of land accords with the allocating policies. The introduction of a Service and Delivery Management Plan for the store will introduce Planning controls which do not currently exist and will not only mitigate the impacts of the operations associated with the containers but will also have wider benefits related with the storage yard and deliveries to site. The residents' concerns are in no way dismissed but it is hoped that activities on site will be carried out in a manner that has less of an impact in the future. Whilst the implementation of the Service and Delivery Management Plan through the consent will not address all the noise and disturbance associated with the retail park it will have some benefits.

With regard to the visual impact of the development and matters of highway safety, the imposition of Planning conditions will offer some safeguards and allow a positive recommendation to be made to Committee.

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
- 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.

The Socio-economic Duty also requires relevant public bodies to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage from Planning decisions. No such issues have been identified in the determination of this application.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None