

**Application Number:** DM/2019/01684

**Proposal:** Change of use of agricultural land to B8 storage

**Address:** Land to the south of Bryn Garage, B4598 Llangattock Lodge To Kemeys Road, Penpergwm, Monmouthshire

**Applicant:** Mr Gareth Hockey

**Plans:** BG1 - Issue 2, BG2 - , BG3 - , BG4 - , BG5 - Issue 2

## **RECOMMENDATION: APPROVE**

Case Officer: Mr David Wong

Date Valid: 16.10.2019

**This application is presented to Planning Committee due to a request by the ex-ward member, an objection from the local community council and there are objections from five households**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

1.1.1 Bryn Garage is located off the B4598 at Penpergwm. It is a well-established commercial business for repair and testing of private and commercial vehicles. According to the submission, the applicant has developed a motor sport and exhibition business which requires the use of articulated trailers and storage of equipment. This application is seeking full planning permission for a change of use of former agricultural land to B8 storage.

1.1.2 Initially, it was proposed to change the use of two separate areas for storage within the fields adjacent to Bryn Garage, which is also under the ownership of the applicant. However, the site is in the open countryside and is not an allocated employment site as defined within the Local Development Plan (LDP). As such, the proposal would have been contrary to current LDP policies i.e. LC1 and LC5. Having explained officer concerns to the applicant, a revised scheme was submitted to replace the initial proposal.

1.1.3 The latest scheme shows the proposed storage activity closer to the existing workshop, parking area and associated structures. It involves the creation of a new hardstanding as an extension of the existing surfaced area, repositioning of the existing storage building, the placement of six articulated trailers and five storage units on a new hardstanding together with new planting and fencing to improve visual cover of the storage units as viewed from the wider landscape and residential areas.

1.1.4 It is set out that no machinery will be used on the proposed storage area other than forklift or lorry movements, and staff will usually work between 8am and 5.30pm. The applicant indicated that there were 12 events in 2021 and that was the time when there was movement; the events are held off-site. No additional lighting will be added on site; there is already one light covering the area. Also, there would be no additional commercial waste produced as a result and the waste from the current activities is (for the past 5 years) collected by Thomas Waste, and the storage containers will not be stacked.

1.1.5 There is no proposed change to the access to the site and the proposed storage site would use the same access point. The proposed area will be sufficient to turn vehicles within the site as well as being able to park all exhibition event trailers. According to the neighbour written

representations, it is understood that the applicant had been using part of the field as overspill/temporary storage over the past few years.

1.1.6 At the time of the officer site inspection, the majority of hardstanding was already formed. It is proposed to plant a new hedge along the northern site boundary, behind the existing residential properties; this will also extend along the eastern site boundary. The remaining agricultural field would now be fenced with post /rail; a farm gate would be installed to allow access to the remaining agricultural field.

## **2.0 RECENT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
None			

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
GI1 LDP Green Infrastructure  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
MV1 LDP Proposed Developments and Highway Considerations  
NE1 LDP Nature Conservation and Development

### **Supplementary Planning Guidance**

MCC Green Infrastructure SPG 2015

## **4.0 NATIONAL PLANNING POLICY**

### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

### **Planning Policy Wales (PPW) Edition 11**

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 and resultant

duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## Technical Advice Notes

TAN12 - Design

### 5.0 REPRESENTATIONS

#### 5.1 Consultation Replies

**Llanover Community Council** – Llanover CC originally approved this application subject to certain conditions. However, their councillors have since seen the well-argued objection of residents living adjacent to this site and now wish to object to it.

**MCC Highways** – Initially, the applicant has provided insufficient detail in respect of the surface finish of the proposed parking areas and the internal access road arrangement. Additional information was subsequently provided by the applicant. Following a review of the additional information the highway authority has no further comments or observations to add to those previously offered on the 05/22/2019.

**MCC Environment Health** – Details of how issues of noise, light and waste will be managed so that the amenity of the locality will be protected including that of neighbouring residents were requested. Additional information was subsequently provided by the applicant. Based on the submitted information, I am of the opinion that I am unable to substantiate an objection to this application.

**MCC Landscape and Urban Design Officer** – The scheme has been amended to address the initial visual concerns of the application. The applicant has since provided sufficient information to show how a landscape scheme will be laid out to seek to mitigate for visual impact, provide GI connectivity and define boundaries for the change of use. Further information relating to establishment and aftercare has not been submitted however this can be provided as a condition should the application be approved.

LREC Search Results - No significant ecological record identified.

#### 5.2 Neighbour Notification

There are objections from five households and they are summarised below:

The site is in the open countryside. The proposal conflicts with the LDP.

This is not a retrospective application. The site has not been used as a formal storage use historically.

The noise associated with the proposal is not acceptable.

Granting permission for B8 conversion will automatically give carte blanche for future conversion to B1 Business. If this change is granted then this will open up the site to an automatic conversion to B1 (Business).

Access/egress from this proposed development would only increase the hazardous nature of this road.

There is light pollution from the security floodlights which remain on throughout the night, this will only worsen.

Noise pollution from moving vehicles. What time will vehicles be moving?

The land is contaminated and will be further contaminated by the proposal.

There is no guarantee that this activity will not increase in the future. How many HGVs, trailers, buses, and other plant and equipment will be stored? There is no indication of this in the proposal.

The number of on-site parking spaces are not shown on the plans.

Planning permission was dismissed previously for a dwelling because it was not suited to the nature and characteristics of the locality. This proposal is out of totally out of character to the open countryside.

The majority of the works have already been carried out without planning permission.

An ecological survey should be required.

### 5.3 Local Member Representations

Former County Councillor S. Jones – requested that this application be presented to Planning Committee.

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The land in question is immediately adjoining the garage business. The site is in the open countryside and is a not part of an allocated employment site as defined within the LDP. Thus, there is a presumption against new built development. However, it is acknowledged that Bryn Garage is an existing and well established commercial business at this location, and the applicant has developed a motor sport and exhibition business which requires the use of event trailers and storage of equipment that cannot be accommodated on the existing site. Consequently, it is not the establishment of a new commercial site, rather it is the proposed expansion of an existing business. Therefore given the specific circumstances, there is no objection in principle, subject to detailed planning material considerations including local impacts on amenity and landscape.

### **6.2 Landscape / Design**

6.2.1 Following amendment of the scheme, the applicant had subsequently submitted a revised proposal so that the proposed storage activity will now be closer to the existing workshop, parking and associated structures of the garage business. This application was assessed by the Council's Landscape and Urban Design Officer who advised that the latest scheme has addressed his initial visual concerns and offered no objection.

6.2.2 The site is in the open countryside but is grouped with other commercial properties as well as a row of residential properties. Under the latest scheme, it is considered that the consolidation of the extended area closer to the existing workshop, parking and associated structures of the garage business would minimise the visual intrusion of formalised vehicle storage within the open countryside and valued landscape setting. The site is behind a row of existing residential properties when viewed along the B4598 while to the south the site is screened by the existing mature vegetation along the A40. There is a public footpath on the neighbouring field to the west of the site, behind a hedgerow and mature trees. Glimpses of the site could be viewed from the public footpath but the proposal is read as an extended operation of the existing commercial site. Therefore, the proposal will have no unacceptable adverse impact on wider landscape (in accordance with the thrust of LDP policies DES1, LC1 and LC5).

### **6.3 Biodiversity**

6.3.1 Works have already started on site and a significant amount of hardstanding is already in place. No significant ecological features have been identified on site and no significant ecological records have been identified via desk top research. As part of the application, a new landscaping scheme is proposed along the northern and western boundaries (of the proposed area for the change of use) to improve green infrastructure connectivity of the site to the wider area. There is already existing external high-level lighting serving the garage site. The applicant confirms that no additional lighting would be added on the extended site as they already have one light covering the area. In relation to biodiversity net gain enhancement measures, this element can be managed via the use of a planning condition. Given the above, the proposal is in compliance with LDP Policy NE1.

### **6.4 Impact on Amenity**

6.4.1 The site is in the open countryside but Bryn Garage is already a well-established commercial business for repair and testing of private and commercial vehicles. Based on the nature of the business, it is reasonable to expect the regular movement of vehicles and the use of related

machinery for the testing and repairing of vehicles during working hours. The proposal is for a B8 storage area and no machinery will be used on that extended part of the site. Therefore, the main source of noise will be primarily from the movement of vehicles. As well as a working commercial garage business on site, the site is located some 130m from the A40 trunk road. Therefore, the baseline of the background noise level on this site is significantly higher than a 'normal' countryside location. The Council's Environment Health Department was consulted and has raised no objection to this application.

6.4.2 The applicant suggests that in 2021, twelve events took place. However, from a planning perspective, the number of events may change (involving either an increase or reduction) but it would be unreasonable to impose a condition restricting the number of events the business can operate; it is equally very difficult to enforce as the movements may not be associated with the motorsport events. However, it is considered reasonable to manage the site by restricting the operational hours to between 8am and 5.30pm, Monday to Friday, which is the working hours of the garage business. If the applicant wishes to extend the operation hours in the future, that application would be considered on its merits. This 'time' condition will manage the noise levels to be within sociable hours.

6.4.3 Also, a condition will be imposed to manage the scale of the storage operation i.e. no more than six event trailers and five storage containers would be permitted to be kept on site. Should the requirement for storage increase due to additional demand, that would need a fresh application that would be treated on its merits. A neighbour expressed concerns that other vehicles, plant and equipment will be stored on site. It would not be reasonable (and would be very challenging) to enforce which other vehicles or plant and equipment can be stored on site. However, it would be reasonable to impose a height restriction to manage the impact (i.e. any overbearing or over-shadowing impact) of the storage being carried out on site. Based on the submitted information, the height of the existing storage building is 4.3m and the event trailer is approximately 3.9m. Therefore, the overall height will be limited to 4.3m.

6.4.4 A neighbour has highlighted that there is light pollution from the security floodlights which remain on throughout the night. It is noted that there is already existing external high-level lighting serving the garage site. The applicant has confirmed that no additional lighting will be added on this extended part of the site as there is already one light covering this area. A lighting condition will be imposed to restrict further external lighting serving the proposed storage area.

## **6.5 Access / Highway Safety**

6.5.1 There is no change to the access of the site and the proposed storage site would use the same access point as Bryn garage. The result of this application would increase commercial vehicular movements into and out of the site. Although the number of on-site parking spaces are not shown on the plans, the Council's Highways Department has no objection to the application but did query about the internal access road arrangement for the two separate areas proposed for storage within the larger field (i.e. the initial submission). However, the latest scheme shows that the proposed storage area would be closer to the existing workshop, parking and associated structures. Therefore, Highways have no further comments except wherever feasible, permeable paving or other forms of sustainable drainage systems should be specified. Given the above, the proposal is in accordance with LDP Policy MV1.

## **6.6 Foul Drainage**

6.6.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.6.2 This is an application for a B8 storage use and there will be no additional commercial waste produced as a result, and the waste from the current activities has for the past 5 years been collected by a private commercial waste collection company. There would be no additional phosphate waste caused as a result of the extended storage area.

## **6.7 Surface Water Drainage**

6.7.1 From January 7th 2019, all detailed applications for residential development or where the construction area is 100m<sup>2</sup> or more, will require Sustainable Drainage Systems for surface water (SuDS), to be designed and built in accordance with the statutory standards. The SuDS Approving Body (SAB) system is a separate method from the planning application process and an informative will be used to inform the applicant accordingly.

## **6.8 Environmental Issues**

6.8.1 There is no known contamination record identified. Further environmental information detailing how issues of noise, light and waste will be managed was submitted for consideration. According to the submission, no machinery will be used on the proposed storage area other than forklift trucks or lorry moving, and the staff usually work between 8am and 5.30pm. The applicant indicated that there were twelve events in 2021 and that was the time when there would have been experience of vehicle movements. No additional lighting will be added on site. As already noted, no additional commercial waste would be produced. Based on the submitted information, the Council's Environmental Health Department was unable to substantiate an objection to this application; no conditions were suggested.

6.8.2 It is considered reasonable to manage the site in respect of local amenity by restricting the operational hours to between 8am and 5.30pm, Monday to Friday, which is the working hours of the garage business. If the applicant wishes to extend the operation hours in the future, that would require a fresh permission and any subsequent application would be considered on its merits.

## **6.9 Response to the Representations of Third Parties and/or Community Council**

The Llanover Community Council and five households objected to the application. Please refer to the relevant section of this report for the following topics:

The overall principle of the proposal – section 6.1 and 6.2

Impact on Amenity – section 6.4 and 6.9

Access – section 6.5

Contamination – section 6.9

Site management – section 6.4 and 6.9

Ecology – section 6.3

A neighbour believes that by granting permission for Class B8 of the site will automatically give permission for future conversion to B1 Business. The permitted change from Class B8 to Class B1 would be subject to total floorspace being no greater than 235sqm of floorspace in the building. However, having regard to the Welsh Government Circular 016/2014 it is not considered reasonable or necessary to apply a condition that remove the right to move from B8 to B1 (Business). Any future business (B1) use would need planning permission for a new building and would be considered on its merits in the event such a proposal was ever submitted to the Local Planning Authority.

A planning permission was dismissed previously for a dwelling. However, the nature of this proposal is different to that application, and each application must be treated on its own merits.

It is noted that a significant amount of work has already carried out prior to the submission of the planning application. The applicant was advised not to carry on anymore work on site until the application is determined and work proceeded at the applicant's risk.

## **6.10 Well-Being of Future Generations (Wales) Act 2015**

6.10.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act). In reaching this

recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.11 Conclusion**

6.11.1 For the reasons detailed above in this report, having regard to the relevant policies and all other material considerations the proposed development is considered to be acceptable subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI1 and NE1 .

4 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings 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 ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

5 Prior to the commencement of the hereby approved works for the change of use of land to Use Class B8, details of Biodiversity net benefit measures shall be submitted on plan, identifying location, positioning and specification which provides net benefit. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The change of use shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

6 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the buildings or in the curtilage of the site until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and

specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1.

7 The site shall not be used in operation for the approved purposes outside the following times: 8am and 5.30pm, Monday to Friday.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.

8 The approved layout shall be adhered to at all times. There shall be no more than 6 event trailers and 5 storage containers on the site at any one time.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with the approved plans.

9 The hereby approved storage layout shall be adhered to and shall remain as such thereafter. The maximum height of all trailers, equipment, plant or vehicles stored on site shall be 4.2m.

REASON: To safeguard the landscape amenities of the area and the amenity of the neighbouring properties.

10 Prior to commencement of the hereby approved works in relation to the change of use of land to Use Class B8, details of a restoration plan of the adjoining agricultural field shall be submitted. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The change of use shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: In the interests of visual amenity, LDP policy DES1.

11 In the event the storage use hereby approved ceases then all storage containers (as referred to in Condition 8) shall be removed from the site in their entirety within 3 months of the cessation of the use.

REASON: To safeguard the landscape amenities of the area and the amenity of the neighbouring properties.

## **INFORMATIVES**

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.



4 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

5 Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018 the proposed development will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government's Standards. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for pre-application advice prior to formal submissions to the LPA as the SAB requirements can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. In practice revisions are normally required to proposals. This extends the time period required. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on [SAB@monmouthshire.gov.uk](mailto:SAB@monmouthshire.gov.uk) so we can update our records accordingly.