

DC/2017/00771

**RETROSPECTIVE PLANNING APPLICATION TO CHANGE THE USE OF 4056SQ.M. OF LAND FROM GRAZING/AGRICULTURAL USE TO STORAGE OR DISTRIBUTION; THE LAND HAS BEEN USED FOR STORAGE AND DISTRIBUTION FOR THE LAST 4 YEARS**

**BARRIER SERVICES, THE ELMS, CAERWENT BROOK, CALDICOT**

**RECOMMENDATION: APPROVE**

Case Officer: Alison Pankhurst

Date Registered: 27/07/2017

**1.0 APPLICATION DETAILS**

- 1.1 Barrier Services Ltd was established in 1983 and moved to The Elms, Caerwent Brook, Caldicot in 1989. This company supplies and installs safety fencing for Highways and general fencing for commercial purposes. For the last 28 years of trading Barrier Services Ltd has been located at the current site conducting exactly the same business within the same business sector. The business has seven transit vans and eight lorries and four trailers, based at the site. The eight lorries can be articulated tractors/rigid body or a mix of both and the trailers are articulated trailers. There are a total of 50 staff employed with 15 office staff working from the site along with two drivers directly working on site. Other employees work off site. There has been no increase of works vehicles to the site as a result of this proposal.
- 1.2 The application site is located at the end of a lane situated on the outskirts of Caerwent village, near Caldicot. The site is situated adjacent to the M48 on its southern boundary and open countryside to the north and west boundaries. There is an underpass that leads to Sandy lane to the east of the site.
- 1.3 This application relates to a parcel of land previously used for grazing horses which is set beyond the existing compound and adjacent to The Elms. The parcel of land to the north of the existing compound has been altered so that it can be used as an additional compound for the storage of old and reconditioned materials and the storage of the company vehicles. Due to standards set by the Highways Agency/Costain who make regular inspections to the site, they have to store new, old and reconditioned materials in separate compounds so that they do not get contaminated. Therefore, as a result of these requirements it was necessary to change the use of the grazing land behind the existing compound to increase the space. This enabled the company to store the materials in separate areas in order to comply with these specifications and standards. The new compound is also used for the parking of the business vehicles whilst the existing area is also used for staff parking. The land in question has been used for this purpose for the last four years. This application has been submitted as a result of an enforcement complaint.

**2.0 RELEVANT PLANNING HISTORY**

E17/058	Alleged Unauthorised Works	Pending outcome of planning application
DC/2004/00452	2 storey rear extension to form offices and ancillary accommodation	Approved 27/5/2004
A30885	Outbuildings and yard, change from roofing contractors to motorway	Approved 8/6/1989

	safety fencing contractors and house to office accommodation	
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### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

#### Strategic Policies

- S8 Enterprise and Economy
- S13 Landscape and Natural Environment
- S17 Place making and design

#### Development Management Policies

- EP1 General Development Considerations
- DES1 General Design Considerations
- LC5 Protection and enhancement of landscape character
- RE1 Employment within villages

### 4.0 REPRESENTATIONS

#### 4.1 Consultations Replies

Caerwent Community Council – recommend refusal. The access to this site is totally unsuitable for the huge vehicles going along a very narrow lane to get to the depot which has grown in the last few years. The extension to their yard area is presumably due to the extra traffic now using the yard. Fears for the safety of local residents, walkers and cyclists who use this lane. The local population and infrastructure is under far more pressure than it ever has been and cannot now accommodate such a business. Every support should be given to find a new suitable location that would preserve the jobs of those employed.

MCC Highways – No objection. The application is for retrospective permission for the change of use of land from grazing to storage and distribution of materials associated with the existing business, Barrier Services. Barrier Services is an existing and well established business which has operated from The Elms for approximately 28 years. It is understood that the application site has been in use for the storage and distribution of business related materials for the past 4 years. The expansion of the footprint of the site to provide additional storage does not demonstrate an expansion of the business that has resulted in additional vehicular movements on the local highway network above the level operating historically. The Highway Authority has not received any complaints over the last 4 years regarding intensity of traffic to and from the site resulting from the land use and during that time it appears the business has continued to function as it has historically without any reported problems. As described above the site has historic use and therefore the vehicular traffic associated with the business will continue as it has done historically. Furthermore, the land has been in use for the past 4 years and has functioned with no reported problems. In light of this the Highway Authority is unable to substantiate a recommendation for a refusal of the application on highway grounds.

MCC Public Rights of Way – The applicant’s attention should be drawn to Public Footpaths Nos.113, 114, 116, 112 and 135 in the community of Caerwent which run adjacent to and or over the site’s vehicular access route. Records suggest that the legal alignment of some of the paths are already not available as legally required. Although the proposed development might not further impact on the availability of the paths it is nonetheless an issue that needs to be resolved. Path Nos. 113, 114, 116, 112, and 135 need to remain free and available at all times. Alternatively a temporary closure or path

order that will permanently move the paths to an alternative alignment will be required. Importantly closures are only applicable under certain circumstances and path orders are subject to legal test, public consultation and can fail. The applicant should contact Countryside Access.

#### 4.2 Neighbour Notification

Following the submission of the application a site notice was placed on site and due to the location of the business notification of the application was sent to the neighbours situated along the lane. Several letters of support were received during the consultation period along with several letters objecting to the application.

The letters in support are as follows:

The assumption that this planning application is anything to do with expanding the business is totally incorrect. Barrier Services has not expanded its business in the last 25 years. The operator's licence has not changed and we do not operate any more vehicles now that we did 25 years ago. The expanded use of the field purely to make the premises more aesthetically pleasing and operations more structured for Health & Safety reasons. Up until 3-4 years ago no complaints had been received from our neighbours. I must reiterate there has been no expansion of this business and no expansion of the motor fleet.

Barrier Services are applying for planning permission to increase the size of their compound to facilitate storage and parking. The business has not expanded and the number of vehicles cannot be increased because of the terms of the operator's licence.

An employee has stated that the company has always been respectful of the residents and the environment on Sandy Lane and the surrounding areas, taking great pains to ensure their work force drive slowly and with due care and attention in the lane at all times. The company's operator's licence has not changed in 25 years and the company has not expanded. It is pointed out that the supporter has travelled the lane on a daily basis without any problem until some 3-4 years ago when some of the residents took it upon themselves to block all the existing passing points on the lane with stones and boulders and sticking in plastic chevrons on grass verges where none had been before.

Barrier Services expanded the compound area for health and safety reasons allowing for designated parking areas for lorries/vans and staff and visitors. Barrier Services has been operating from these premises for 29 years and have worked for the company for 23 years and never had any problems on the lane. Problems have occurred in the lanes by passing areas being blocked by boulders etc. Barrier services have always helped maintain the lane by cutting trees/hedges and tarmacking parts of the lane. The operator's licence has not changed in the years they have been here and they still operate within the terms of the licence. The fleet of lorries has not grown or expanded.

Several objections letters have also been received in response to the application. Their comments are as follows:

A resident situated along Church Road comments that the size of vehicles driving through Caerwent and up/down Sandy Lane is concerning as the roads in the area are not designed for this size of vehicle. Concern is expressed that approval of this application would provide incentive to expand the business at some point in the future which cannot be sustained in the current location. If local industrial areas are so expensive as to be detrimental to local businesses, then this pricing mechanism needs to be re-evaluated to avoid this situation in the future.

A resident from Kirrlach Close which is situated on the other side of the bypass in Caldicot, off Sandy Lane comments that this application will impact on their environment owing to the amount of traffic and the noise and weight of these vehicles together with pollution. The amount of lorry traffic over the last five plus months has increased with skip lorries/Cheeseman tipper trucks; the speed limit of 20 miles per hour is not being adhered to and the width of road is too narrow and there are weight limits on bridges. Totally against this application.

A resident from Dewstow Road stated that the application is significantly short of information regarding the impact of the expansion in terms of increased traffic flow and size of vehicles being operated from the locality. This is a business that has outgrown its premises and as such should be encouraged to relocate. The traffic movements by extremely heavy vehicles and loads are not fitting for the C class and below rated roads which are not constructed or designed to take these type of vehicles.

A resident from Dewstow Road commented that they are amazed how this operation has seemingly been allowed to escalate over the last few years without the correct permissions? There is no objection to the right of any businesses to operate as efficiently and effectively as possible, and the objector wishes the business well in bringing employment to the area. The objector does not support this if it has no official sanction and would encourage all others who share their concerns to make this known by filing an objection.

A resident from Sandy Lane states that they have seen a significant increase in heavy traffic in the last few years. The road is in effect a cul-de-sac, a no through route to 4 wheel traffic. There is no pavement and few passing places and it is dangerous. It is used by walkers, cyclists etc. .

One resident who lives on Fairfield Close situated off Newport Road/Dewstow Road strongly objects to the retrospective planning application. It is asked how this business is operating out of such an unsuitable area; it appears that no permission was given. The objector notes increased heavy vehicles using Dewstow Road which is totally unacceptable. The access into Dewstow Road from Newport Road is not compatible for such vehicles in fact it is only just adequate to take cars. Dewstow Road is congested with parked vehicles and has no pavement for pedestrians. It is not acceptable that this company is operating in a rural area and should be on an industrial estate.

Lastly a petition has been received opposing the retrospective planning application. Since the expansion of the premises some 3-4 years ago without planning permission the amount and size of HGV vehicles in Sandy Lane has greatly increased and it is felt that they are far too large for this country lane. Also by the expansion of this business the amount of extra support traffic generated is unsuitable for such a narrow winding lane where there is quite a bit of pedestrian traffic as well. It is considered that this business has been allowed to outgrow its present premises and should be relocated to a more suitable situation for its purpose, i.e. an industrial estate.

#### Local Member Comments

Cllr. A. Easson – this plan is to make some moderations to the operations at Barrier Services in Caerwent. I have been approached by residents of Dewstow Road in my ward, leading to Caerwent. Their concerns are that traffic density has generally increased since the restrictions at the Neddern Bridge at Caerwent Brook towards Barrier Services.

## 5.0 EVALUATION

This application relates to a change of use of a parcel of grazing land situated to the northern boundary of an existing compound to allow additional storage of old and reconditioned materials and the parking of business vehicles and lorries at the site. The site is adjacent to the existing business premises and is not readily visible to any residential properties. The compound which is the subject of this application will be accessed via the existing compound on site. The parcel of land is approximately 4050 sq.m. The main reason for the extra space is in response to health and safety and specific standards imposed on the company from outside agencies and not because the business is expanding. Given the circumstances of objections raised this application is not looking at whether the business itself is unsuitable in this area (as the use is lawful) but as to whether the change of use of the grazing land to the storage use proposed, is considered to be acceptable.

The business has been located at this site for approximately 28 years and planning permission was granted in June 1989. This business, albeit small, employs around 50 members of staff not all of which are based at The Elms. It should be noted that only 17 employees are actually based at the Caerwent Brook site the remaining 33 employees work on customer sites. Similarly, wherever possible materials and plant are delivered to a project location directly.

### 5.1 Visual impact

5.1.1 The proposed area of hardstanding measures approximately 4050 square metres and backs onto the existing compound. The new compound is enclosed by security fencing and access to it is via the existing compound. The proposed area of hardstanding adjoins the existing business. The area will be used for the storage of materials and the parking of business vehicles at the site. It is essential that the materials that are kept on site are stored separately. New materials are stored in the existing compound along with staff parking and old and reconditioned materials and all commercial vehicles are kept in the new compound.

5.1.2 The site is well screened from any residential properties and located at the end of a single lane with the M48 running along the southern boundary of the site. The nearest property from the business premises is approximately 0.2 miles away. There is grazing land to the eastern boundary of the site and a golf course to the western boundary. The business is well established and the additional compound will have a minimal visual impact at this scale. The use is considered to be appropriate in this location and will not harm local visual or residential amenity.

5.1.3 Policy LC5 states that development will be permitted provided it would not have an unacceptable adverse effect on the character of Monmouthshire landscape. In this instance the site is well established having an existing compound for materials already. Whilst it would appear that the additional area required is because the business is expanding this is incorrect, as outlined above. Whilst part of the agricultural land has been used for this purpose there is still ample grazing land still in use adjacent to the site. The site is bounded by mature hedgerows and trees and the locality remains largely unchanged except for the additional hardstanding. It is considered that the development complies with Policy LC5 of the Monmouthshire LDP.

5.1.4 LDP Policy LC1 states that new built development will only be permitted where all the following criteria is met. The hardstanding is located next to the existing site and business premises that has been in situ for approximately 28 years; the change of use

of the land is a small parcel of land that is situated to the northern boundary and surrounded by mature trees and hedgerows. The compound cannot be visibly seen from the lane except for the security fencing that bounds the site. Therefore it is considered that as this is an existing established business the development of the land complies with Policy LC1 of the Monmouthshire Local Development Plan.

The additional compound that has been implemented for the use of Barrier Services would respect the existing form, scale, siting, massing, materials and layout of its setting and is considered to be accordance with policies, DES1, EP1, LC1 and LC5 of the LDP.

## 5.2 Residential amenity

5.2.1 The site is relatively isolated along a single lane and the nearest residential property is some 0.2 miles away from the site. The business has been trading at this site for approximately 28 years as a fencing contractor for permanent and temporary safety fencing. Objections have been received regarding the traffic movements of the large vehicles used by the company along the lane that serves access to several residential properties. No objections have been received regarding whether the change of use of agricultural land to hardstanding is acceptable.

5.2.2 Whilst understanding the frustration and concern of residents regarding the use of heavy vehicles along the lane, the business has not expanded but needs the extra space to store materials in separate areas along with providing separate parking for the business and staff vehicles. No complaints have ever been received regarding this business until recently although it has been trading at the same site for 28 years. The company has had the same number of vehicles since first moving to the property in 1989.

5.2.3 The business is well established and this application is not to determine whether the business is suitable in this location but to establish whether the change of use of the grazing land to a compound is acceptable. On the basis that the majority of objections relate to traffic and highway related issues it is considered that the change of use of the land to hardstanding for the purposes of storage of materials and the parking of the company's business vehicles then it is considered that the development would be in accordance with Policy EP1 of the LDP.

## 5.3 Highways

5.3.1 The expansion of the footprint of the site to provide additional storage does not demonstrate an expansion of the business that has resulted in additional vehicular movements on the local highway network above the level operating historically. The Highway Authority has not received any complaints over the last 4 years regarding intensity of traffic to and from the site resulting from the land use and during that time it appears the business has continued to function as it has historically without any reported problems. As described above the main site is an historic use and therefore the vehicular traffic associated with the business will continue as it has done historically. Furthermore, the land has been in use for the past 4 years and has functioned with no reported problems. Given the existing use on site it is not considered that the proposed change of use of the land would cause unacceptable harm to the wider highway infrastructure.

## 5.4 Conclusion

5.4.1 The proposed change use of the land from agricultural use to a compound for the storage of materials and parking of vehicles in respect of the existing business is considered to be an appropriate form of development. The area is alongside the existing

business use and would have a limited visual impact on the area and be in accordance with the relevant policies in the Local Development Plan.

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

5.5.1 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 WBFG 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.

## **6.0 RECOMMENDATION: APPROVE**

### Conditions

1. The development shall be carried out in accordance with the list of approved plans set out in the table below.  
Reason: For the avoidance of doubt as to the approved plans.