

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
17 SEPTEMBER 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 8
<p>APPLICATION NO: 14/1621/10 CHANGE OF USE FROM CAR SALES FORECOURT TO CAR WASH AND VALET FACILITY WITH ASSOCIATED EXTERNAL WORKS INCLUDING ERECTION OF CAR WASH CANOPY (AMENDED PLANS RECEIVED 24/03/15) AT LAND ADJACENT TO 12 CARDIFF ROAD, ABERAMAN, ABERDARE</p>	

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the 02nd July 2015 Development Control Committee meeting with an officer recommendation of refusal. A copy of the original report is attached as **APPENDIX A**. At that meeting Members were minded to defer the application for a site visit which was undertaken on 13th July 2015 (minutes from the site visit are attached as **APPENDIX B**). The application was then reported back to the Development Control Committee meeting on 06th August 2015 where Members were minded to approve the application contrary to the officer recommendation. Members considered the proposed change of use to be acceptable for a temporary period of 3 years.

As a consequence it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of taking a decision contrary to the recommendation.

The concerns regarding the potential impact upon the levels of amenity currently enjoyed by the surrounding residents are outlined in the original report, however, a brief summary is provided below:

It is considered that a jet car wash and valeting service at the site operating from early in the morning until the evening, 7 days a week, would cause

demonstrable detriment to the amenity of the surrounding neighbours. It is considered that the noise and disturbance likely to be caused by the activities of the proposed use in such close proximity to residential properties would inevitably cause a significant deterioration in the living conditions of the closest neighbours.

The application site is located in the middle of a terrace of residential dwellings with further residential properties sited opposite. Given the proximity of the site to the adjacent residential properties, the jet washing facility will inevitably increase noise levels, give rise to spray drift and form a general nuisance to the established residential properties that are sited directly adjacent to and opposite the site. Therefore, it is considered that the proposed use would form an unneighbourly and unfair means of disturbance to residents for significant periods of the day. This impact would be particularly apparent during the summer months when the residents are likely to leave their windows open and are using their garden spaces.

Consequently, whilst the introduction of a new business in the local community and the use of a possibly otherwise redundant site is welcomed, it is considered that this type of use, within such a predominantly residential area, would not be acceptable in terms of its potential impact upon the amenity of the surrounding neighbours. As such, the proposed change of use is considered unacceptable in this regard, contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

If however, after further consideration, Members are minded to grant planning permission, the following conditions of consent would be appropriate:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref. Site Location Plan 1, Site Location Plan 2, Existing and Proposed Layout 1, Existing and Proposed Layout 2, Existing and Proposed Layout 3, Existing and Proposed Layout 4, Existing and Proposed Layout 5, Existing and Proposed Layout 6 and Existing and Proposed Layout 7 and documents received by the Local Planning Authority on 10/12/14, 16/01/15, 29/01/15, 24/03/15, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The use hereby permitted shall be permanently removed from the site within 3 years from the date of this decision unless an

application for its retention is submitted to and approved by the Local Planning Authority prior to that date.

Reason: To define and limit the extent of the permission and to protect the amenity of the surrounding residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taff Local Development Plan.

4. No works shall commence on-site until a scheme to provide for improved visibility across the site frontage along the B4275 has been submitted to and approved in writing by the Local Planning Authority. The TRO shall be implemented prior to beneficial use unless agreed in writing by the Local Planning Authority. (The applicant is advised that this may involve a Traffic Regulation Order.)

Reason: In the interests of safety of all highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The use hereby approved shall not be brought into operation until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Before the development is brought into use, the means of access, together with the parking and turning facilities, shall be laid out in accordance with the amended plan dated 24th March 2015 and approved by the Local Planning Authority. The parking and turning area shall remain for use in association with the valet business thereafter.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

8. Construction works on the development shall not take place other than during the following times:
 - Monday to Friday 0800 to 1800 hours

- Saturday 0800 to 1300 hours
- Nor at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

APPLICATION NO: 14/1621/10 (MF)
APPLICANT: Miss D Langmead
DEVELOPMENT: Change of use from car sales forecourt to car wash and valet facility with associated external works including erection of car wash canopy (Amended plans received 24/03/15).
LOCATION: LAND ADJACENT TO 12 CARDIFF ROAD,
ABERAMAN, ABERDARE, CF44 7HH
DATE REGISTERED: 24/03/2015
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Refuse

REASONS:

The proposed change of use would have an unacceptable impact upon the levels of amenity currently enjoyed by occupiers of the neighbouring residential properties as a result of the increased levels of noise and general disturbance likely to be generated through the operation of a car wash and valeting service at the site.

APPLICATION DETAILS

Full planning permission is sought for the change of use of the forecourt area to the front of AVW Auto Services from the commercial sale of vehicles to a hand car wash and valeting business. The new car wash/valeting facility would be operated as a separate business from the existing garage.

The proposal consists of the resurfacing of the forecourt and the setting out of eleven vehicle spaces, two along the southern boundary of the site for external car washing, two at the rear for internal valeting, and seven along the front and northern boundaries for staff parking and waiting customers. A sales cabin at the south-eastern corner of the site would be retained for use as an office. A new canopy structure, 6m in width by 3m in depth to a maximum height of 2m would be sited over the proposed valeting area. The canopy would be constructed of timber supports with a polycarbonate roof cover.

The proposed use would involve external jet washing, waxing, polishing, etc. and internal vacuuming/valeting of vehicles. The applicant has detailed that the jet washers and vacuums would produce a maximum sound level of 84dB and 72dB respectively. In order to prevent disturbance to surrounding residents, it is proposed that the jet wash machines be stored within a 27mm thick soundproof covers comprising plasterboard, vinyl and foam which it is claimed, can reduce noise levels by up to 49dB. It is proposed that run-off from the designated washing bays will be managed through the installation of crossfalls through the site to an existing drainage channel where it will then be discharged into the on-site public sewer.

Access from Cardiff Road would be gained via the private lane that leads to the existing garage. Vehicles would then be directed into the site itself through a new access at the south-western corner. They would then exit via a separate opening at the south-eastern corner.

The hours of operation proposed are:

- Mondays to Saturdays 8.30 am to 5.30 pm
- Sundays and Bank Holidays 9.00 am to 4.00 pm

The application is accompanied by the following:

- Design and Access Statement.

The application is reported to Committee by the request of Councillors Forey and Bradwick in order to assess the potential impact of the development upon the amenity of the surrounding residents.

SITE APPRAISAL

The application site is rectangular in shape amounting to approximately 260m². It comprises the former sales forecourt of the adjacent repairs garage but is currently vacant. The site is level and is enclosed with boundary walls and fencing. The wider site is accessed directly off Cardiff Road, the main highway through the village, with an existing vehicle cross over in place. The site fronts the footway, is bounded by residential properties at either side and by a vehicle repair garage to the rear. Further residential dwellings are sited opposite.

PLANNING HISTORY

Previous planning applications submitted at the site:

96/4376	13-15 Cardiff Road, Aberaman	Extension to motor repair garage and erection of perimeter fence	Granted 14/04/97
91/0690		Siting of portable office accommodation and steel storage container	Granted 09/02/92

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. No representations have been received.

CONSULTATION

Public Health and Protection – raise no objection subject to the submission of a satisfactory acoustic report prior to determination of the application.

Transportation Section – no objection, subject to conditions.

Land Reclamation and Engineering – no objection, subject to conditions.

Countryside, Landscape and Ecology – no objection.

Dwr Cymru/Welsh Water – no objection, subject to conditions.

Natural Resources Wales – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Aberaman, but is not allocated for any specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses. Developments should support the role and function of small settlements.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA12 – identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the Proposed Development

The application seeks the change of use of a car sales forecourt (Sui Generis) to a hand car wash (Sui Generis) and valeting (Class B1) facility. In terms of the principle of the development, the application site is situated within the settlement boundary and currently forms part of an established repair garage site where it is not uncommon to find such facilities. However, the existing use is considered to have a relatively low impact upon the surrounding area in terms of noise and disturbance from visitors and the operation of the use itself, whereas the type of use proposed at the site would be characterised by a high volume of calling traffic and increased levels of noise and disturbance from the jet wash apparatus used and the characteristics of the use itself.

Therefore, whilst the use of a possibly otherwise redundant site is welcomed and is broadly acceptable, it is considered that the proposed use would have a fundamental change to the character of the use at the site and being located within such a predominantly residential area, would not be acceptable in this instance. Consequently, the principle of the development is considered unacceptable.

Residential Amenity

It is considered that a jet car wash and valeting service at the site operating from early in the morning until the evening, 7 days a week, would cause demonstrable detriment to the amenity of the surrounding neighbours. It is considered that the noise and disturbance likely to be caused by the activities of the proposed use in such close proximity to residential properties would inevitably cause a significant deterioration in the living conditions of the closest neighbours.

The application site is located in the middle of a terrace of residential dwellings with further residential properties sited opposite. It is acknowledged that the site was previously used for vehicle sales in association with the adjacent repair garage, but little noise or disturbance would have been associated with that type of operation given the relatively low numbers of calling visitors and the very nature of the use itself. Therefore whilst no objections have been received from local residents and it is noted that neighbours may have become accustomed to the disturbance caused by the previous use, it is considered that the addition of a car wash facility would form an unneighbourly and unfair means of disturbance to residents for significant periods of the day. This impact would be particularly apparent during the summer months when the residents are likely to leave their windows open and are using their garden spaces.

It is noted that no objections have been raised by the Council's Public Health and Protection Division, however, they have commented, that the activities associated with the proposed use have the potential to cause a negative impact upon the amenities of the area as a result of noise and as such, requested that the applicant submit an acoustic report in respect of the proposed development prior to any approval. Whilst these comments are duly noted, given the proximity of the site to the adjacent residential properties, the jet washing facility will inevitably increase noise levels, give rise to spray drift and form a general nuisance to the established residential properties that are sited directly adjacent to and opposite the site. Therefore, whilst it may be possible to overcome any potential noise issue from the jet washing through various sound proofing measures, it is considered unreasonable to request that the applicant produce an acoustic report in this instance as the general use of the site as a car wash/valeting facility would still be considered to have an unacceptable impact upon the levels of amenity currently enjoyed by surrounding residents.

Consequently, whilst the introduction of a new business in the local community and the use of a possibly otherwise redundant site is welcomed, it is considered that this type of use, within such a predominantly residential area, would not be acceptable in terms of its potential impact upon the amenity of the surrounding neighbours. As such, the proposed change of use is considered unacceptable in this regard.

This view is supported by a number of similar applications that have recently been refused in the Borough for the same reason, including one at Lanelay Road, Talbot Green that was also dismissed at appeal.

Visual Impact

As detailed above, the only works proposed are the resurfacing of the site and the erection of a canopy structure to the rear. It is therefore considered that in the existing context of the commercial site, such minor works would appear relatively unobtrusive and would have no significant impact in terms of visual amenity.

Highway Safety

Following consultation, the Transportation Section has raised no objection to the application subject to a condition stating that the means of access together with the turning facilities shall be installed prior to operation. It is commented that there is some concern with regards to the sub-standard access onto Cardiff Road in terms of visibility and close proximity to the road junction opposite, however, taking into account the previous use of the yard as a sales forecourt which would have required deliveries by low loaders as well as general traffic with no reported problems, on balance, the proposal is acceptable in terms of its potential impact upon pedestrian and highway safety. Consequently, subject to the suggested condition, there is no objection to the proposal in this respect.

Drainage

Given the potentially high volume of water generated by the proposed use, the issue of drainage at the site is one that needs to be adequately addressed.

The Council's Land Reclamation and Engineering Section have examined the proposed scheme of drainage which consists of crossfalls across the site to an existing drainage channel that serves the public sewerage system. This arrangement is considered to be acceptable subject to conditions that demonstrate that the proposal has addressed flood risk management issues and complies with the relevant Technical Advice Note. Similarly, Natural Resources Wales and Dwr Cymru/Welsh Water have raised no objection to the application subject to conditions and standard advice.

Consequently, although drainage is an issue, it is considered that satisfactory drainage could be provided at the site, subject to conditions.

Other Issues

It is noted that consultation has also been undertaken with the Council's Countryside, Landscape and Ecology Section view to assessing any potential impacts upon ecology. Their response raises no objection.

Conclusion

Having taken account of the issues outlined above, the proposed change of use would have an unacceptable, detrimental impact on the amenities of the neighbouring residential properties in terms of increased levels of noise and disturbance. As such, the proposal is therefore contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed change of use would have a significant adverse impact upon the amenity of nearby residential properties due to the increased levels of noise and general disturbance associated with the car wash and valeting use. As such, the proposal is contrary to Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

DEVELOPMENT CONTROL COMMITTEE

6 AUGUST 2015

REPORT OF THE DIRECTOR LEGAL AND DEMOCRATIC SERVICES

Agenda Item No.5
SITE MEETING APPLICATION NO. 14/1621 – CHANGE OF USE FROM CAR SALES FORECOURT TO CAR WASH AND VALET FACILITY AND ASSOCIATED EXTERNAL WORKS INCLUDING ERECTION OF CAR WASH CANOPY (AMENDED PLANS RECEIVED 24/03/15) – LAND ADJACENT TO 12 CARDIFF ROAD, ABERAMAN, ABERDARE

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To refuse the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

3.1 In accordance with Minute No.14 (Development Control Committee, 2 July 2015), a site inspection was undertaken on Monday, 13 July 2015 to consider noise nuisance and highways issues.

3.2 The meeting was attended by the Chair of the Development Control Committee (County Borough Councillor G.Stacey) and Committee Members - County Borough Councillors L.De Vet, R.Lewis, G.Smith, G.P.Thomas, J.S.Ward, P.Wasley and E.Webster. Non-Committee/Local Member – County Borough Councillor M.Forey was also in attendance.

Development Control Committee Agenda - 6 August 2015

- 3.3 Apologies for absence were received from Committee Members - County Borough Councillors L.M.Adams, J.Bonetto, M.Griffiths, P.Jarman, S.J.Jones and S.Rees and Non-Committee/Local Member – County Borough Councillor S.Bradwick.
- 3.4 Members viewed the application site located in the middle of a terrace of residential dwellings with further residential properties sited opposite.
- 3.5 The Development Control Manager reported that full planning permission was being sought for the change of use of the forecourt area to the front of AVW Auto Services from the commercial sale of vehicles to a hand car wash and valeting business. The new car wash/valeting facility would be operated as a separate business from the existing garage.
- 3.6 In terms of the principle of the development, Members were informed that the application site was situated within the settlement boundary and currently formed part of an established repair garage site where it was not uncommon to find such facilities. However, the existing use was considered to have a relatively low impact upon the surrounding area in terms of noise and disturbance from visitors and the operation of the use itself whereas the type of use proposed would be characterised by a high volume of calling traffic and increased levels of noise and disturbance from the jet wash apparatus to be used. The Development Control Manager stated that it was considered that a jet car wash and valeting service operating from early in the morning until the evening, 7 days a week, would cause demonstrable detriment to the amenity of the surrounding neighbours.
- 3.7 Members noted that the application site was accessed directly off Cardiff Road, the main highway running through the village, with an existing vehicle cross over in place. The Transportation Section raised no objection to the application subject to a condition stating that the means of access together with the turning facilities should be installed prior to operation. The Transportation Officer confirmed there was some concern with regard to the substandard access onto Cardiff Road in terms of visibility and close proximity to the road junction opposite, however, taking into account the previous use of the yard as a sales forecourt which would have required deliveries by low loaders as well as general traffic, on balance, the proposal was acceptable in terms of its potential impact upon pedestrian and highway safety.
- 3.8 Owing to the nature of the proposed business, Committee Members questioned the safety aspects of the access point and pointed out that Cardiff Road was a very busy thoroughfare and there had been a number of traffic accidents in the vicinity of the site in recent times. A Member

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also questioned the adequacy of the existing vision splays to meet current highway standards. Another Member enquired whether the presence of double yellow lines in the vicinity of the access point would improve the situation and whether this could be achieved by a Section 106 agreement. In this regard, the Development Control Manager stated that if Members were minded to approve the application but felt there was a problem with access, a Section 106 agreement could be considered although he pointed out that this could result in objections being received from neighbouring residents who would no longer be able to park their vehicles outside their properties.

- 3.9 Committee Members also questioned the impact on the area arising from the potentially high volume of water that would be generated by the proposed use as the area already suffered from flooding and drainage problems. In this regard, the Development Control Manager stated that although drainage was an issue, it was considered that satisfactory drainage could be provided at the site subject to conditions.
- 3.10 The impact of noise nuisance to neighbouring residents was also considered.
- 3.11 Non-Committee/Local Member – County Borough Councillor M.Forey – referred to the existing high volume of traffic noise in the area and felt that any additional noise emanating from the proposed new business would have little impact on noise levels currently experienced. In terms of the highways concerns expressed, he stated that as Local Member he was aware that plans were underway, subject to consultation with residents, to fundamentally change parking arrangements in the vicinity of the site and he suggested that further information on these highway proposals be obtained prior to the Committee determining the application.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

17 SEPTEMBER 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**Mr J Bailey
(Tel: 01443 425004)**

See Relevant Application File