



PLANNING & DEVELOPMENT COMMITTEE

8 NOVEMBER 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0898/10
(GW)
APPLICANT: Mr Smile
DEVELOPMENT: Change to layout of approved car wash (17/0570/10) and provision of canopy with flood lighting and concrete car park area.
LOCATION: FERNDALE UPHOLSTERY, OAKLAND TERRACE, FERNDALE, CF43 4UD
DATE REGISTERED: 18/09/2018
ELECTORAL DIVISION: Ferndale

RECOMMENDATION: Grant

REASONS:

The site is an existing car wash facility. The proposed amendment to the layout of the car wash area and provision of a canopy is considered acceptable in terms of visual and residential amenity.

The objections raised from the public consultation exercise with regard the loss of a view and devaluation in property are not planning considerations that would warrant a refusal reason. With regard to the former garage use of the site no objection has been received from the Council's Public Health and Protection Section. The impact on parking and highway safety is also considered to be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received. Therefore in accordance with the Council's Scheme of Delegation, this application is presented to Members for determination.

APPLICATION DETAILS

Planning permission is sought for a change to the layout of a car wash area that was previously approved as part of planning application 17/0570/10. A canopy, a similar height to the existing building, would be provided over a washing area towards the back of the site adjacent the car park area. This would be constructed from steel poles with a vinyl canopy. Lights are proposed on the steel posts which support the canopy.

The southern part of the site would be used for car parking and 14no. spaces are detailed on the submitted plan.

The application is accompanied by the following:

- Soakaway Calculations

SITE APPRAISAL

The site is a former car fuel garage on the edge of Ferndale. Car washing currently takes place within the forecourt area of the former garage. Access to the application land is directly off Oakland Terrace, which is part of the principal highway serving Ferndale and the remainder of the upper Rhondda Fach. From a site visit it was noted some of the surfacing works for the parking area have commenced.

A bungalow (Sunnyside) is located immediately adjacent the site to the north and to the south it is in close proximity to the access road serving Oaklands Business Park to the east.

On the opposite side of the road are traditional terraced residential dwellings fronting on to the street and at a higher level.

PLANNING HISTORY

17/0570	Ferndale Upholstery, Oakland Terrace, Ferndale	Proposed Change of Use to Cafe & Ice Cream Parlour (A3 use) with the retention of an existing Car Wash (Amended Description 13/07/17).	Grant 30/08/17
06/1977	Ferndale Garage, Oakland Terrace, Ferndale	Residential development	Granted 05/02/07

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters of objection have been received at the time of writing this report. One of the letters is signed by 4 no. people with different addresses.

- The building could cover my view and devalue my property
- Construction works have started and am concerned the decision has already been made.
- We are contacting DEFRA with regard to whether the underground storage tanks have been decommissioned in line with environmental permitting regulations.

CONSULTATION

Countryside Section – no objection. Please use appropriate bat informative notes as a precaution.

Dwr Cymru / Welsh Water – no objection.

Flood Risk Management – a soakaway system within the confines of the development site is proposed. The applicant has further provided the relevant infiltration test results that identify the subsurface as having sufficient permeability to discharge the surface water. No objections or recommendations for conditions in relation to flood risk management are made.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, noise, dust, waste.

Transportation Section – no objection subject to conditions requiring the laying out of 14 car parking spaces, the provision of a vehicular footway crossing and that no surface water should discharge on to the public highway or connect to any highway drainage system.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is identified as within the settlement boundary and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: the re-use of previously developed land and promoting commercial development in locations which would support and reinforce the roles of principal towns and key settlements.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

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 - development proposals must overcome any harm to public health, the environment or local amenity as a result of pollution and flooding.

Development proposals for Class A1, A2, A3 and other uses that will add vitality and viability to the retail centre by attracting footfall that benefits the daytime and evening economy will be permitted.

Supplementary Planning Guidance

Access, Circulation & Parking
Design and Place making

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), Chapter 7 (Economic Development), Chapter 10 (Planning for Retail and Town Centres) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) 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 11: Noise;
PPW Technical Advice Note 12: Design; and
PPW Technical Advice Note 23: Economic Development.
Manual for Streets

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.

The principle of the proposed development

The site was formerly a car fuel garage and this use has ceased some time ago (approximately 2010) and since then a car wash has been operating at the premises. Planning permission (17/0570/10) was granted to retain the car wash and also develop a cafe/ice cream parlour at the site. The cafe side of the business is currently being developed.

The alterations to the layout and provision of a canopy would not warrant a refusal reason in principle subject to an assessment of other material planning considerations:

Impact on residential amenity

There are residential properties in relative close proximity. These are mainly opposite the site and the busy main road into Ferndale. A bungalow is also located

adjacent to the site; however this is on the opposite side of the site to the car wash area. The provision of the canopy and lighting would be to the rear of the site and effectively result in the car washing activities being located further away from residential dwellings on the opposite side of the road.

The Council's Public Health and Protection Section have not objected and no objections on this issue have been received as a result of the public consultation exercise. It is however considered the approved opening hours (from the previous permission 17/0570/10) should be restated for the avoidance of doubt if permission is given. In addition, it is considered necessary to control the timing of lights at the site and this should be limited to the approved opening hours (permission 17/0570/10). Therefore it is considered the application would be acceptable in these terms.

Impact on the character and appearance of the area

The main changes proposed would be the canopy. This however would be located to the rear of the site and is not higher than the existing building. It would also be mainly read against the existing building and trees to the rear of the site. As such it is considered the impact on the character and appearance of the area would be acceptable.

Access, parking and highway safety

The change in layout would still provide 14 parking spaces. The Transportation Section does not object subject to conditions.

Impact from former coal mining works

The site is within a 'high risk' area for former coal mining works. However, the development does not involve any significant ground works and it is likely the works would not pose a risk to safety and the stability of the proposed development. As such, in accordance with guidance from the Coal Authority, it is considered a Coal Mining Risk Assessment is not required for the development.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Public Health

Whilst the comments provided by the Public Health and Protection Section are appreciated, it is considered noise, dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning noise, waste, dust and temporary lighting issues.

Objector's comments

Objectors to this application detail the proposal would result in a loss of a view and would devalue properties. It is noted there was no objections to the previous application for the car wash facility (17/0570/10). Notwithstanding this, it is considered these planning considerations raised are however not issues that would warrant a refusal reason. In relation to any underground storage tanks and the former garage use no objection has been raised by the Public Health and Protection

Section to the proposal. In addition the applicant has also submitted clarification that this issue is being dealt with. It is considered, this is also a matter that would not warrant a refusal of the application.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the proposed development, the impact on residential amenity, the impact on the character and appearance of the area and access and parking (Policies AW2, AW5, AW6 and AW10).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)
 - hdw/ph/as.006 Site Location Plan - received 18th September 2018.
 - hdw/ph/as.007 Proposed Plan and Elevations received 18th September 2018.
 - 111 RCTCBC Highway Design Guide Standard Detail - Vehicular Crossover – Residential Streets - received 18th September 2018.

and documents received by the Local Planning Authority on 18th September 2018, 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.

2. Car washing shall only take place in the covered car wash area identified on plan no. hdw/ph/as.007.

Reason: In the interests of residential amenity and highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. The car wash hereby approved shall only open to the public between the hours 09:00 a.m. and 18:00 p.m. on Monday to Saturdays and between 10:00 a.m. and 16:00 p.m. on Sundays and Bank Holidays.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The approved lighting for the cash wash shall only be on when the car wash is open to the public. At all other times the lighting shall be switched off.

Reason: In the interests of residential amenity in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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