



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0719/10 (CA)  
**APPLICANT:** Aber Rhondda Garages Limited  
**DEVELOPMENT:** Proposed change of use from vehicle rental to used car sales.  
**LOCATION:** ENTERPRISE RENT A CAR, CARDIFF ROAD, Y DDRAENEN WEN, PONTYPRIDD, CF37 5BB  
**DATE REGISTERED:** 28/07/2020  
**ELECTORAL DIVISION:** Hawthorn

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#### **RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS**

**REASON:** The proposal would allow for the re-use of a redundant site in a sustainable location. In addition, the proposed use would be compatible with surrounding land uses and would neither be detrimental to neighbouring occupiers or highway safety.

**As a result the proposal would accord with the relevant policies of the Rhondda Cynon Taf Local Development Plan.**

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

The application is reported to the Planning and Development Committee for final determination as four objections have been received and the application is recommended for approval. In addition, Councillor Fidler Jones has requested that final determination of the application be at Committee level.

#### **APPLICATION DETAILS**

This application seeks full planning permission to change the use of the former Enterprise car hire garage (Sui Generis) at Cardiff Road, Hawthorn to a car sales

garage (Sui Generis). The site is currently vacant, following its unlawful use as a hand wash and car valeting facility.

There are no material external changes proposed as part of this application, with the proposed car sales garage re-using the existing on-site structures. The existing building which is located fairly centrally within the site would be used as a reception and sales office with the used cars located within the site's undercover forecourt and along the site's eastern boundary. Staff and customer car parking would be located adjacent to the site's northern boundary.

Access to the site is gained off Cardiff Road at the south-western corner of the site with vehicles following a one-way system around the site to exit back out onto Cardiff Road in a forward gear at the south-eastern corner of the plot.

The proposed use would employ two full time members of staff and would operate during the following times:

Monday to Friday: 10:00 hours to 18:00 hours

Saturdays: 10:00 hours to 16:00 hours

Sundays: 11:00 hours to 16:00 hours

Bank Holidays: Not at all.

## **SITE APPRAISAL**

The application site is a roughly rectangular plot comprising the former sales cabin and associated forecourts of a car hire business that was most recently (and unlawfully) occupied by a hand car wash and valeting centre. The sales cabin is located centrally within the plot with forecourts to the front and rear and accesses either side.

The site is level throughout and enclosed on all sides with boundary walls and fencing. The site has two direct accesses off Cardiff Road, the main highway through the village. It fronts the footway, is bounded by residential properties at either side and by a block of garages to the rear, beyond which are further residential dwellings. The surrounding area is residential in nature.

## **PLANNING HISTORY**

19/0340/10	Change of use from car hire to car sales and valeting service.	Refused 20/05/2019
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Dismissed at  
Appeal

08/10/2019

18/0568/10	Change of use from car hire unit with car washing facilities to valeting and hand car wash centre (retrospective).	Refused 20/08/2018
05/0568/10	Illuminated Sign	Approved 23/02/2005
04/2293/10	Proposed car rental office - change of use from vacant petrol station.	Approved 18/03/2005
00/2647/10	Change of use from selling petrol to the sale of used cars plus a control centre by telephone for Rentex car and van hire and erection of railings and gates.	Approved 10/11/2000

## **PUBLICITY**

The application has been advertised by direct notification letter to neighbouring properties and a site notice was displayed. Four letters of objection were received, which raise the following points:

- The proposed business is likely to attract many customers/visitors which would add pressure to on street car parking demand.
- The proposal would increase the risk of flooding within the area due to products used to wash/valet cars causing the drains to block.
- The proposal would lead to unacceptable noise pollution, for example from industrial vacuum cleaners, jet washers, car doors slamming and car radios.
- The opening hours of the business are not appropriate within a residential location, with a particular emphasis on Sundays and Bank Holidays.

## **CONSULTATION**

### Highways and Transportation:

No objections, conditions recommended.

### Drainage:

No adverse comments received.

### Public Health and Protection:

No objections, conditions recommended.

### Natural Resources:

No objections.

Pontypridd Town Council:

No comments received.

## **POLICY CONTEXT**

Rhondda Cynon Taf Local Development Plan (LDP):

The application site is situated within the Southern Strategy Area and within the settlement boundary. The site is unallocated.

**Policy CS2 – Development in the South** – Places an emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW2 – Sustainable Locations** – Provides support for development proposals in sustainable locations.

**Policy AW5 – New Development** – Provides support for development proposals which meet the relevant amenity and accessibility criteria.

**Policy AW6 – Design and Placemaking** – Requires development to involve a high quality design and reinforce attractive qualities, make a positive contribution to the street scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

**Policy AW10 – Environmental Protection and Public Health** – Indicates that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Supplementary Planning Guidance:

Design and Placemaking

Access, Circulation and Parking

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 Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through

its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Other policy guidance considered:

PPW Technical Advice Note (TAN) 11 – Noise

PPW TAN 12 – Design

PPW TAN 23 – Economic Development

## **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.

### **Main Issues:**

#### **Principle of the proposed development:**

The proposal seeks the change of use of an unallocated parcel of land within the settlement boundary from a car hire garage to a car sales garage. Although the site is located within a predominantly residential area, given its long-standing commercial history it is considered that the general principle of the change of use is regarded as acceptable, subject to the material considerations below.

#### **Impact on the character and appearance of the area:**

The prevailing character of the area is residential, however the application site has a long established commercial character, with the most recent lawful use of the site being a car hire business. In terms of character and appearance, it is not considered that the character of the proposed use would significantly differ from that of the existing lawful use of the site. In addition, no external works are proposed at the site as part of the current application.

Consequently it is not considered that the change of use would result in any undue impact upon the character and appearance of the site or the surrounding area. The application is therefore considered acceptable in this regard.

#### **Impact on Amenity:**

The application site is located in a residential location, flanked by two residential dwellings with further residential properties sited in close proximity. It is acknowledged that the site was previously occupied by a car hire garage where some noise and disturbance would have occurred to surrounding residents and some cleaning and

valeting would have taken place. It is also considered that the car hire use would have resulted in relatively low numbers of calling visitors to and from the site each day given the very nature of the use (customers calling to the site to pick up/drop off vehicles) and would have likely resulted in only a small number of vehicles being valeted each day following their return.

Concerns have been raised by local residents that the proposed use would result in frequent unacceptable noise pollution, for example from industrial vacuum cleaners, jet washers, car doors slamming and car radios. In terms of the industrial vacuum cleaners and jet washers, associated with car washing and valeting, it is considered that much like the lawful car hire use of the site, this element of the business would play an ancillary role and would not be occurring all of the time, unlike the previously refused applications whereby car washing and cleaning activities were the primary use of the site.

In terms of car doors slamming and car radios turning on and off, the proposed business is of a relatively small scale, employing two full time workers. As such, it is not considered that this noise would be overly frequent and unacceptable.

The concerns regarding the originally proposed opening hours of the business are acknowledged and shared by the Council. As such, discussion has taken place with the Agent to ensure the business operates shorter hours on a Saturday and Sunday and not at all on Bank Holidays. This can be conditioned should permission be granted.

Based on the above, the impact of the development upon neighbouring occupiers is considered acceptable and in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

#### **Impact on Highway Safety:**

Access to the proposal would be gained via the existing means of access and the internal site layout would allow vehicles to enter and exit the site in a forward gear. This is considered acceptable.

In terms of parking, in accordance with the Council's adopted SPG, car and motorcycle sales have an off-street parking requirement of two spaces per service bay, plus one space per 50m<sup>2</sup> of retail area.

The submitted proposed site plan indicates that no service bays are proposed and the retail area would be approximately 371m<sup>2</sup>. As such the proposal has an SPG requirement of one commercial vehicle space and eight additional spaces.

The objections from local residents regarding car parking are noted. The submitted site plan indicates the provision of eight spaces at the rear of the development. As such, the proposed development lacks a commercial vehicle space. Nevertheless, there is scope for a commercial vehicle to park in the vicinity of the proposed sales and reception building without undue detriment to internal circulation. As such, the

proposed development gives no undue cause for concern regarding off-street parking provision.

No objections have been received from the Council's Highways Department, however a condition has been recommended ensuring the parking spaces are retained for the purpose of vehicular parking only. This is considered acceptable.

In light of the above, the scheme is considered to have an acceptable impact upon highway safety.

### **Other Issues:**

#### Drainage:

Concerns have been raised that the proposed use would increase the risk of flooding, due to car cleaning products blocking the drains in the vicinity of the site. The site has a lawful use as a car hire business, and Paragraph 15 of the Inspector's decision regarding the Appeal relating to 19/0340/10 acknowledges that car washing and cleaning activities on the site are lawful as part of this business. It is considered that levels of car cleaning would be similar to those undertaken as part of a car hire business and an ancillary element of the proposed business. As such, it is not considered that additional issues regarding surface water drainage would arise. Concerns have also been raised that the proposed business would result in the use of hazardous substances. The Council's Public Health and Protection Department have been consulted on the proposal and do not share these concerns however.

Natural Resources Wales (NRW) have advised that the application site lies within Zone C1 as defined by the Development Advice Map referred to under Technical Advice Note 15: Development and Flood Risk (July 2004), confirming that the site is located within the 1% (1 in 100 year) and 0.1% (1 in a 1000 year) annual probability fluvial flood outlines of the Nant Lonydd. However, given the nature and scale of the proposal, NRW consider the risk is acceptable subject to the developer being made aware of the potential flood risks.

#### Additional Objections:

In addition to the objections addressed above, concerns have been raised regarding the general appearance of the site, indicating that the previous unlawful use resulted in a dirty and unkempt premises. It is the responsibility of the land owner and business operator to ensure the site is well maintained and kept clean and tidy; speculation of how the site may be maintained would not warrant the refusal of the application. In addition, the visual appearance of the previous unlawful use is not a material consideration in the determination of the current application.

### **Community Infrastructure Levy (CIL) Liability:**

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

The proposal is of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

**Conclusion:**

The proposed change of use is considered to be acceptable in terms of its compatibility with adjoining land uses, impact on neighbouring occupiers and highway safety. The development would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: Grant**

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 following approved plans:

Location Plan, dated 21/07/2020;  
Proposed Block Plan, dated 11/11/2020;

and documents received by the Local Planning Authority on 21/07/2020, 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 parking spaces indicated on the amended Proposed Block Plan shall be laid out on site in permanent materials and retained for the purpose of vehicular parking only.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The public opening hours of the storage area shall be restricted to within the following times:

Monday to Friday: 10:00 hours to 18:00 hours  
Saturday: 10:00 hours to 16:00 hours

Sunday: 11:00 to 16:00 Hours  
Bank Holidays: Not at all

Reason: In the interests of the amenity of neighbouring occupiers and to define the scope of the consent, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.