

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
17 OCTOBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No. 13/0674 - Retention of single storey timber garage, out buildings and change of use of land to vintage vehicle hire at rear of Noddfa, Cowbridge Rd, Talygarn, Y Noddfa, Cowbridge Road, Talygarn, Pontyclun.

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APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 13/0674/10 (GW)
APPLICANT: Mr N Padfield
DEVELOPMENT: Retention of single storey timber garage, out buildings and change of use of land to vintage vehicle hire at rear of Noddfa, Cowbridge Rd, Talygarn.
LOCATION: Y NODDFA, COWBRIDGE ROAD, TALYGARN, PONTYCLUN, CF72 9JU
DATE REGISTERED: 29/07/2013
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Refuse

REASONS:

The development is outside the settlement limit and within an unsustainable location. The access is unsuitable for the type of development and would result in highway safety issues. The development would also have a detrimental impact on residential amenity and the visual character of the area.

APPLICATION DETAILS

Full planning permission is sought for the retention of a single storey timber garage, out-buildings and change of use of land to vintage vehicle hire at rear of a bungalow called Y Noddfa, located off Cowbridge Rd in Talygarn. It is stated the vehicles were previously stored at a facility at Coedcae Lane in Talbot Green, but this had become too expensive.

The Design and Access statement states the applicant has an interest in the preservation of vintage and classic vehicles and was previously a main supplier of classic and vintage cars to Television shows such as District Nurse, Heart Beat, Gavin and Stacey and Pobol y Cwm. It is stated this is smaller now (12 vehicles for Pobol y Cwm since Jan 2012) and that the concentration is on Wedding Car hire.

A marquee was erected to house 12 classic vehicles for wedding hire, which is advertised as 'Perfect Day Cars'. A number of vehicles are stored outside in the yard area. It is stated that usage varies and in 2013 there will be approximately 2 wedding bookings per week resulting in 4 trips, with the most popular day being Saturday. The Design and Access statement states that on 311 occasions, vehicles were hired in 2012 and the schedule is to hire cars on 220 occasions over the 2013

calendar year (approximately 4 bookings per week). The applicant Mr Padfield is supported by his wife and a part-time worker. It is stated that Mr Padfield would be living at the adjacent bungalow Y Noddfa. Self-employed contract drivers bolster the workforce as necessary depending on size and timing of events. Eight parking spaces are detailed in the yard for temporary parking of vehicles hired out and for visitors. The applicant has clarified that maintenance and servicing of the vehicles takes place on site and does not require additional movements.

The marquee is located on what is described as a former tennis court, behind Y Noddfa. It has been partly clad with wooden boards and measures 26m by 9m with a height of 3.9m. Various other buildings have been erected to form a 'U' shape with the main marquee. These include: a single storey detached portable timber clad office measuring 9m by 3.6m; a towable trailer that houses cleaning products measuring 8.4m by 3.2m and a timber shed measuring 4m x 4m and approximately 2.5m in height. Wooden boarded fencing has been erected as a screen and wooden double door gates provided at the top of the access lane. A former stable building, which was adjacent the yard area has been demolished.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The application site is located to the rear of a bungalow called Y Noddfa in Talygarn, which is detailed as being owned by the applicant. This property benefits from a small swimming pool to the rear. It is accessed via a private drive directly from Cowbridge Road and serves three properties (including Y Noddfa). Two other properties are located on the opposite side of the drive. Wooden boarded double doors have been provided at the top of the drive and a wooden boarded boundary fence to the garden of Y Noddfa. Behind this at a higher level to the bungalow are the buildings to be retained, as detailed above. The rest of the site is covered with hard core and a wooden post fence separates the site from open field behind. At the time of the site inspection there were a number of vehicles parked in the open yard area. These include some vintage lorries and cars, a vehicle transporter, a van with 'Perfect Days' advertisements, a police car, a land rover and a motor home. To the east of the site are large residential dwellings, which are accessed via St Anne's Lane.

PLANNING HISTORY

85/1473 Y Noddfa,
Cowbridge Road,
Talygarn

Extension for a swimming pool

Approved
29/01/86

PUBLICITY

The application has been advertised via direct neighbour notification and site notice. One letter of support from the occupier of adjoining dwelling has been received at the time of writing this report. The contents are summarised below:

- I believe the change of use is a low intensity vintage vehicle hire and is suitable for the area.
- The appearance scale and height does not cause concerns.
- It will not result in a loss of privacy.
- I do not believe the vehicles travelling on the private road will cause traffic nuisance. To date I have not experience any nuisance.
- I believe it will be an enhancement to the area through the presence during the working day of people engaged in a productive business activity.

Three letters of objection from occupiers of neighbouring properties has been received. The comments are summarised below:

- The area will be spoilt by a commercial workplace.
- The applicant does not live in the bungalow and the property was purchased for the sole purpose of running a wedding car hire and storage of commercial vehicles.
- A variety of vehicles are stored on site including lorries, trucks, wedding cars and diggers.
- The marquee is huge and trees and hedges have been removed. It is visible to surrounding neighbours. The erection of the fence has made the visual impact worse. Hardcore has been put down to accommodate the transport yard.
- Any future change in ownership could lead to expansion of the commercial use of the land. Different vehicles could be stored such as trailers/JCBs and lorries etc.
- Already more vehicles than stated in the application are being stored at the site.
- Vehicle maintenance takes place on site and involves the revving of engines.
- The size of the garage and outbuildings, the need for an office, the employment of staff, provision of 8 parking spaces for people visiting the site and opening and closing hours seven day s a week indicate this is a commercial venture and not a hobby.
- A commercial venture could lead to the potential of encroaching on other land outside the site.
- Many of the vehicles are clearly not vintage such as a two layer transporter regularly stored outside.
- The assertion that it is acceptable because it is brown field land does not justify the development. The previous chicken farm was rural in nature and vastly different from the proposal.

CONSULTATION

Countryside, Landscape and Ecology - no objection at the time of writing the report.

Land Reclamation and Drainage - no objection subject to conditions.

Public Health and Protection - no objection.

Transportation Section - objects for the following reasons:

- 1) The further intensification of use of a sub-standard access which lacks adequate carriageway width, segregated footway facility and visibility at its junction with the A4222 Cowbridge Road.
- 2) The private shared access leading to the site is unsuitable to cater for the type of commercial/extraneous traffic that will be generated from the proposed development.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is situated outside, and detached from, the defined Settlement Boundary in Talygarn and is partly within a Special Landscape Area, namely Talygarn Surrounds.

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

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 flooding.

Policy SSA23.2 – Development within Special Landscape Areas will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

Supplementary Planning Guidance Access, Circulation & 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.

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 7 (Economic Development) 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 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
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

With regards the principle of development, the development relates to an existing business, which has relocated to a site outside the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. It has also resulted in the construction of new buildings and the use of land located within the countryside (albeit some of the land was a former tennis court relating to Y Noddfa) for the vintage vehicle hire use. Policy AW2 does not however support this type of development in this type of location so as to protect the identity of settlements and protect the countryside from urbanisation and incremental loss.

The applicant has detailed in the Design and Access statement that Planning Policy Wales and other Government guidance support some small businesses in rural areas and adopt a supportive and flexible approach to home working. The applicant

has also detailed that they expect the business to decline to 150 (car hires) in 2014. In addition the applicant is willing to have permission restricted by time, to a personal use and to just vintage car hire. It also detailed a poultry farm used to be on the site. Members will be aware that there has been a letter of support and letters objecting to the proposal in principle. Whilst the applicant's comments are appreciated and the use could be relatively low in intensity; the evidence suggest there are 12 cars available for wedding hire and others for uses such as films. Members will be aware the use is existing and has previously been operating in a different location. It is considered the new location is however unlikely to contribute significantly to the wider rural economy. As such, this type of use is better situated within an appropriate B8 use class industrial storage unit or yard. Evidence suggests there are numerous vacant commercial and industrial storage units and yards available within relatively close proximity of Pontyclun/Talbot Green/Llantrisant. Furthermore the cost of such a storage unit; is not considered an argument of such weight, so that it would overcome the objection to its current location outside the settlement boundary.

It is also evident that drivers are contracted in to drive the hire cars, which results in more journeys to and from the site than just the hire cars themselves. In addition the hire of cars to film and TV companies would result in additional journeys to and from the site. The location is adjacent a group of low density residential dwellings accessed via a private drive and surrounded by the countryside. Whilst permission could be restricted by time and to a personal permission, it is considered this would not easily be enforceable as weddings and the vintage car hire could be required at any day albeit it is recognised that Saturdays are the most popular day. Furthermore the applicant has stated he uses employees and contract drivers and the business is seemingly being run as such.

Therefore the introduction of a business use on the scale suggested and in this location is not in accordance with policies that protect countryside locations from urbanisation and incremental development and is not a sustainable location for such a use. Furthermore it is not considered other arguments such as the economical impact of the use would overcome the objection. Therefore the principle of the development is not acceptable as the development is contrary to local plan policies as it lies outside the settlement boundary in an unsustainable location.

Highway safety

Turning to highways the application site is served by a private drive. This currently serves three residential dwellings (including Y Noddfa). The applicant states the main use is on weekends where traffic conditions on the main road are lighter. Members should also note that the applicant states a previous agricultural use was carried out at the site and that they are looking to restrict the vintage car hire use by time. The Transportation Section have objected as they consider the further intensification of use of a sub-standard access due to its lacks adequate carriageway width, segregated footway facility and visibility would result in a detriment to highway

safety. In addition, they consider the shared access lane leading to the site is unsuitable to cater for the type of commercial/extraneous traffic that will be generated from the proposed development. It is considered the private drive is therefore unsuitable for commercial traffic and the proposal would result in a detriment to highway safety.

Residential amenity

With regard to the impact on residential amenity, the main impact would be from the coming and going of drivers and vehicles from the site and any noise and disturbance from maintenance of the vehicles. Whilst the previous agricultural uses mentioned may have had some similar impact these have gone and the residents enjoy a relatively peaceful location. The introduction of a commercial use in close proximity to surrounding residential dwellings would have a detrimental impact on their amenity.

Visual impact

With regard to the visual impact, part of the site and surrounding fields are included within the Local Development Plan designated Special Landscape Area (SLA), 'Talygarn Surrounds'. This wider area has been designated for its features such as it being part of the border vale landscape of lowland farmland with irregular shaped fields, bounded by hedges. It is considered to be un-spoilt farmland and parkland mainly undisturbed by development. The development site is on the edge of this land with the adjacent residential plots with parts that have been previously developed and it could be argued it has previously lost some of the qualities stated above. The enclosure of the site (boundary fences, surfacing and gates) however has created a visually separate unit from both. Within the site is a fairly substantial 'wooden cladded marquee' building and associated wooden office building, as well as a substantial area of open hardstanding, already shown to house a large lorry and other trucks, trailers and vehicles. Policy SSA 23 requires development within the SLA to conform with the highest standards of design, siting, layout and materials appropriate to the character of the area. Although not highly visible from many viewpoints due to the nature of the surrounding countryside, elements of the developments may be seen from elevated positions on nearby Cowbridge Road. The applicant points to the site being occupied by a former tennis court and a stable block, it is however considered that this development would have a detrimental effect on the SLA and on its features for which it has been designated. The development on land outside the SLA would also have a detrimental effect on the visual edge of Talygarn and its relationship with the open countryside and Special Landscape Area.

OTHER ISSUES

Ecology

Another issue to consider is the impact on ecology and whether the site had any habitable value; for example the former stable block. This has however been demolished and no objection has been received from the Countryside, Landscape and Ecology section.

Conclusion

The application is considered not to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, highway safety, the amenities of nearby residential properties and visual impact, (Policies AW2, AW5, AW6 and SSA23).

RECOMMENDATION: Refuse

1. The site is located outside the defined settlement boundary of the Rhondda Cynon Taf Local Development Plan and has not been justified as an exception. As such the proposal conflicts with Policies AW1 and AW2 of the Rhondda Cynon Taf Local Development Plan as it would amount to an unwarranted intrusion of industrial development into the countryside.
2. Further intensification of use of a sub-standard access that lacks adequate width of carriageway, segregated footway facilities and visibility at its junction with the A4222 Cowbridge Road will create additional hazards to the detriment of the safety of all highway users. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
3. The private shared access leading to the site is unsuitable to cater for the type of commercial/extraneous traffic that will be generated by the proposed development. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
4. The proposal represents an undesirable intrusion of a business use into a residential area, which, by reason of noise and general disturbance, would be detrimental to the amenities of local residents. As such the development would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
5. The development by reason of its siting in a countryside location and partly within a Special Landscape Area would have an adverse effect on the visual appearance of the area as a whole. As such the development would be contrary to Policy AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

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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 OCTOBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

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See Relevant Application File

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