

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
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| 14/0070/FULL 10.02.2014 | Capels & Sons Sales Mr C Capel The Car Store Pengam Road Pengam Blackwood NP12 3QY | Erect extension to retail section of service station and relocate valeting and car wash facilities St David's Service Station & Unit C Pengam Road Industrial Estate Pengam Road Pengam Blackwood NP12 3QY |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located within the settlement boundary for Blackwood and is situated on the western side of the A469, Pengam Road. Part of the application site also falls within the St. David's Industrial Estate, Pengam protected secondary employment site as identified by Policy EM2.17 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site description and proposed development: The petrol filling service station and shop are one part of a larger commercial and industrial site operated by the developer comprising a commercial vehicle sales showroom together with a public, two-bay, car jet wash and valeting business to the south of the site, the petrol filling station and shop in the centre of the site, and 9 starter units to the north. A large detached, industrial unit and its curtilage, located within the St. David's secondary employment site, is located immediately to the rear (west) of the site and has been acquired by the developer. This industrial unit is currently sub-divided into three units. It is the curtilage of this sub-divided industrial unit, which is included in this application and will accommodate the proposed three-bay, detached, valeting building and the extension to the rear of the petrol filling service station shop. It is proposed to relocate the existing public car jet wash facility, located to the front of the petrol filling station, to the western side of the petrol filling station shop. In addition the valet building to serve the existing commercial vehicle sales showroom is proposed within the curtilage of the industrial building located on the St.David's Industrial Estate, immediately to the rear of the petrol filling station.

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Finally, an extension is proposed to the rear of the existing petrol filling station shop, which also falls within the curtilage of the industrial building on the St. David's Industrial Estate.

Vehicular access to the existing petrol filling station site and shop is obtained off the main highway, the A469 New Road and this will not change. Vehicular access to the valeting building to be used ancillary to the commercial vehicle sales business will be obtained off the existing internal St. David's Industrial Estate road via an existing gated entrance. Vehicular access to the public car wash is obtainable either through the existing petrol filling station site or off the turning head at the end of the internal estate road.

The topography of the site is flat.

Dimensions: Extension to petrol service station measures 18.8m long x 5m wide x 3.4m high with a flat roof, to match the existing flat roof and comprises retail area, 2 toilets and staffroom. Public car wash building, comprising 2 car wash bays, store, staffroom and toilet and has maximum dimensions of 13m width x 9.2m depth x 4.5m high with a flat roof. Proposed valeting building comprises 3 bays and has a maximum footprint of 15.2m width x 8.8m depth x 5.4m high with a flat roof.

Materials: Extension to petrol filling station - external walls in painted render with white upvc fascias, roller shutters in blue paint finish and colour coated steel sheeting roof. Car wash - external walls in painted render with the north facing elevation comprising perspex panels, white upvc fascias, roller shutters in blue paint finish and colour coated steel sheeting roof. Valeting building - external walls in painted render with white upvc fascias, roller shutters in blue paint finish and colour coated steel sheeting roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

2/02622 - Extension to existing factory - Granted 30.01.79.

2/04327 - Car showroom - Granted 09.10.81.

2/11286 - Car wash - Granted 29.01.93.

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P/96/0845 - Extend existing B2 use to include the manufacture of transit packaging components of both wood and cardboard - Granted 16.01.97.

P/98/0348 - Erect toilet facilities to south of existing petrol kiosk and above garage - Granted 04.06.98.

P/98/0400 - Retain shed for external assembly of pallets - Granted 10.07.98.

P/99/0032 - Retain shed for external assembly of pallets (Renew P/98/0400) - Granted 26.02.99.

P/99/0976 - Erect 2 No. illuminated free standing petrol signs - Refused 03.03.00.

P/00/0727 - Erect signage - Granted 21.09.00.

P/00/0989 - Erect seven advertisement flags - Refused 02.02.01.

P/01/0239 - Erect 2.4m high steel paling fence and garden area - Granted 03.05.01.

07/1283/FULL - Construct portal frame building for manufacturing and retail area - Granted 13.12.07.

08/0489/ADV - Erect one internally illuminated, double sided, free standing display unit - Refused 18.06.08. Dismissed on Appeal 28.10.08.

09/0473/ADV - Rebrand existing Texaco illuminated image on the forecourt canopy, forecourt stanchions and primary identifier display (PID or Pole Sign) - Granted 05.08.09.

12/0511/OUT - Not yet determined.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary and Policy EM2.17, St. David's, Pengam protected secondary employment site.

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Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place Making, SP16 - Managing Employment Growth, SP21 - Parking Standards, Countywide Policies.

Policy CW2 - Amenity, CW3 - Design considerations - highways, CW13 - Use Class Restrictions - Business and CW15 - General locational constraints, CW16 - Locational constraints retailing.

Supplementary Planning Guidance LDP5 - Parking Standards.

NATIONAL POLICY

Planning Policy Wales, 6th Edition, February 2012, Chapter 4 - Planning for sustainability, Chapter 7 - Economic Development and Chapter 8 - Transport.

TAN 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

The Coal Authority (CA) considered that coal-mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site.

The CA recommends that the Local Planning Authority impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to the commencement of development.

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In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, this should be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to the commencement of the development.

The CA considers that the content and conclusions of the Geo-Environmental Report submitted by the applicant are broadly sufficient for the purposes of the planning system and meets the requirements of the PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The CA therefore has no objection to the proposed development subject to the imposition of the above condition.

CONSULTATION

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring details of a swept path analysis demonstrating that a vehicle transporter can both enter and leave the site in a forward gear at all times, the provision of parking in accordance with LDP5 - Car Parking Standards including an amended scheme for vehicles waiting to use the car wash. He provides advice to be conveyed to the developer that no water from the car wash shall be allowed to discharge into the highway surface water drainage system and all parking spaces should measure a minimum of 2.6m x 4.8m in accordance with LDP5.

Head Of Public Protection - Has no objection to the development subject to the uses being confined to within the application site, a restriction on the hours of operation together with standard contamination conditions, which address any contamination of the site.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of land drainage matters.

Dwr Cymru - Confirms the site is crossed by a public sewer and provide advice to be conveyed to the developer in respect of drainage matters. They confirm that both foul water and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect, either directly or indirectly, to the public foul/combined sewerage system and no land drainage run-off shall be permitted to discharge into the public sewerage system.

Natural Resources Wales - No adverse comments.

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ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 9 neighbouring properties have been consulted.

Response: 11 letters and two e-mails (nine letters and two e-mails are from the same person).

Summary of observations:

- unauthorised development;
- over-development of the site in terms of the proposed extension to the shop, which will require more deliveries resulting in noise nuisance and disturbance;
- removal of boundary fence creating a thoroughfare onto estate turning head and making the estate road an integral part of the applicant's redevelopment plans, and will cause detriment to highway safety;
- use of estate turning head by car wash business as well as customer parking/waiting area;
- noise nuisance as a result of the proposed car wash and valet building being relocated nearer to residential properties,
- request the turning head is restored to its former configuration, customers should enter and leave the car wash site from within the existing garage premises, provision of proper sound insulation and screening (construction of high wall to contain garage operations, reduce noise and eliminate potential for the turning head to be used for unauthorised activities, restriction on hours of operation;
- presence of Japanese Knotweed may spread into woodland between industrial estate and residential properties.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

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COMMUNITY INFRASTRUCTURE LEVY The retail aspect of this development is CIL liable and the amount payable would be £2138.50.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

In terms of the proposed development, it should be noted that the developer has already commenced development. The existing public car wash has been relocated next to the existing petrol filling station shop and an existing boundary fence to the rear of this has been removed, which allows access, both pedestrian and vehicular onto a turning head at the end of the St. David's Industrial internal estate road. The public car wash is in operation. The developer has also constructed the three bay valeting building within the existing curtilage of Unit C2, C2A and C2B St. David's Industrial Estate and again this is in operation and is used ancillary to the commercial vehicle sales business operating to the south of the petrol filling station site. Complaints have been received in respect of this unauthorised development. The erection of the public car wash facility and three-bay valeting business prior to obtaining planning consent is unauthorised in planning terms and amounts to a breach of planning control. The matter has been referred to this Council's Enforcement Officer and is being monitored pending the determination of this planning application. Officers have visited the site and advised the developer the works are unauthorised. This has also been confirmed in writing and the developer requested to cease any further works. He has also been advised that failure to adhere to this request may result in enforcement action where considered expedient to remedy a breach of planning control. The unauthorised works have also been referred to this Council's Building Control Section for investigation.

In terms of the planning application submitted the main issues are considered to be the compatibility of the uses; with surrounding land uses; amenity, particularly in terms of noise sensitive development; design, and highway safety.

Objection has been raised alleging the proposal is over-development of the site. Policy SP6 - Place making of the LDP considers amongst other things design, and criterion 'B' of Policy CW2 - Amenity considers over-development of a site. It is considered the proposed development is acceptable in terms of scale, layout and form and does not have an adverse visual impact on the existing buildings within the site or upon the character of the surrounding area and as such is in accordance with policies SP6 and CW2.

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An objection has been raised suggesting the increase in size of the shop will mean increased deliveries, which in turn will result in noise nuisance if deliveries are made early morning or late evening. The current petrol filling station shop has been operating for many years and is not subject to restricted hours of opening in terms of customers or deliveries. Therefore it would not be appropriate to attach any conditions to a consent, which remove the benefits currently enjoyed in terms of the operation of the retail element of the business.

The increase in retail space would not justify such limitations.

In terms of the proposed uses, consideration has to be given to Policy CW13 - Use Class Restrictions of the LDP because part of the proposed development i.e., the three bay valet building and shop extension, is proposed within the St David's Industrial secondary employment site as identified by Policy EM2.17 of the LDP. In this respect development will only be permitted if (i) it is within use classes B1, B2 or B8, (ii) an appropriate sui generis use, (iii) to provide an ancillary facility or service to the primary employment use or (iv) an acceptable commercial service unrelated to class B uses. The proposal for the valeting building is a B1 use in planning terms and therefore meets with criterion (i) of Policy CW13. The extension to the shop meets criteria (iii) and (iv) of Policy CW13 referred to above.

In addition, criterion 'B' of Policy CW2 of the LDP requires any proposed use should be compatible with surrounding land uses. It is considered the proposed uses are compatible with the existing commercial and industrial use of the whole site and in relation to the neighbouring St. David's Industrial Estate. Criterion 'A' of Policy CW2 requires that any development should not have an unacceptable impact on the amenity of adjacent properties or land. Objections have been received that the development will result in loss of amenity by residents of neighbouring residential properties as a result of noise nuisance caused by the operation of the public car wash and valeting bays. It is claimed the particular activities of the site include industrial vacuum cleaners and jet washers, which are noisy when in operation and result in the quiet enjoyment currently experienced by neighbouring residents being adversely affected. The public car wash building is a two-bay, open-ended building with Perspex side panels. The objector advises the noise nuisance caused by the jet wash operating is exacerbated by the operation of the jet wash hitting the Perspex side panels of the car wash bay. Also, complaints have been received regarding the use of the turning head at the end of the industrial estate road in association with the public car wash. It is alleged customers are parking and cars are being cleaned in this area, which results in noise nuisance and also obstructs the free flow of the highway. It is also claimed the relocated location of the public car wash is nearer to dwellings at Woodland Place than its original position to the front of the petrol filling station site.

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In terms of the proximity of dwellings to the proposed public car wash, the nearest dwelling is located some 71m to the northwest at 3 Woodland Place. The original position of the car wash was located 66m away from this dwelling. This residential property has a large garden and it is not known specifically where the rear boundary of this garden is situated, however it is estimated the public car wash is located some 35m from the rear boundary of the property, which is situated on lower ground beyond the industrial estate road. The recently constructed three-bay valeting building is new and is located some 69m away from the nearest dwelling, being 3 Woodland Place. This valeting building is orientated such that the front entrances to the three bays face east and so are side on to the nearest dwellings at Woodland Place. This building is made of blockwork and has a roller shutter door providing access to each bay.

Noise is a material consideration and it will be hard to reconcile some land uses, such as residential, which is a noise sensitive development with industrial activities which generate high levels of noise. LPAs must ensure that development does not cause an unacceptable degree of disturbance. Also consideration has to be given to the resultant intensification of uses of a site, which may result in a greater intrusion in terms of the amenity of residents of neighbouring residential properties. In this respect this Council's Head of Public Protection and planning officers have visited and monitored the site and the neighbouring properties in terms of the objections and noise nuisance complaints received. Whilst, the noise of the operation of the public car wash has been witnessed at Woodland Place by officers, consideration has to be given to the existing relationship between the industrial and commercial site with the nearest residential properties and the current situation regarding noise levels. In this respect given the B1, B2 and B8 uses permitted on the St David's Industrial Estate and the number of years the petrol filling station site has been operating, it has to be expected that there will be an element of industrial and commercial noise emanating from both the existing industrial and commercial activities. In addition, it is noted the busy and noisy, A469 road is in close proximity to these dwellings, which will also add to the background noise experienced by residents along Woodland Place. Therefore, consideration has to be given to whether or not the harm that may already be experienced by the residents of neighbouring dwellings as a result of noise nuisance will significantly increase as a result of the proposed development. In this respect, this Council's Head of Public Protection indicates the noise from the new car wash and valet facilities is of marginal significance, and he has raised no objection to the development subject to the imposition of conditions, which prevents any car washing or valeting outside of the designated car wash and valeting bays, and restricting the hours of operation during evenings and weekends.

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Complaints have been received regarding the encroachment of the public car wash facility into the industrial estate turning head, as a result of customer parking and cleaning of vehicles by the car wash operatives. This unauthorised activity may interfere with the free flow of traffic by causing obstruction for those drivers wishing to legitimately use the turning head, as has been witnessed by officers. The developer has been made fully aware that all activities associated with the public car wash and valet should be confined within the dedicated car wash bays, within the boundaries of the industrial and commercial sites. Monitoring of the site has been undertaken and recent unannounced site visits by officers of both the Planning and Environmental Health Division confirm the turning head is not now being used by the car wash operatives. The developer has also submitted a copy of a letter sent to the public car wash operators instructing that no vehicles are to be cleaned on the highway and that if they breach this requirement their lease will be revoked. As suggested by the complainants and based upon initial visits to the site, the potential does exist for the operatives to revert to this unacceptable use of the estate road turning head. However, any obstruction of the highway falls within the jurisdiction of Gwent Police Authority. This Council's Transportation Engineering Manager does not object to the development subject to appropriate conditions. In this respect it is necessary, in the interests of highway safety, to ensure that certain matters are provided and maintained within the site. These comprise customer parking spaces/waiting bays and clear manoeuvring space to and from these areas, together with signage and markings to ensure unobstructed and safe movement of vehicles within the site, including the exit point. These matters may be addressed by attaching appropriate conditions to any consent.

Complaints have been received that the public car wash bays are constructed and orientated such that vehicular access is available both from within the petrol filling station site and off the industrial estate road because an existing boundary fence has been removed. The removal of the boundary fence and creation of this vehicular access onto the internal unclassified estate road does not require planning permission. In addition this Council's Transportation Engineering Manager has confirmed that there is no breach of highway regulations regarding the provision of this access. Any obstruction of the turning head would fall within the jurisdiction of Gwent Police to enforce as indicated above.

Comments from consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

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Comments from public: The matters raised by the objectors are discussed above. Noise monitoring by both Environmental Health Officers and Planning Officers visiting Woodland Place, confirm the operation of the public car jet wash and the detached valet building may be heard but it is considered the noise emanating from the site is of marginal significance. However, because the noise is likely to be more intrusive during the evenings and at weekends it is considered appropriate to attach conditions to any consent restricting the hours of operation to the following times - 0800hrs to 1800hrs Monday to Friday, 0900hrs to 1700hrs Saturdays and 1000hrs to 1600hrs on Sundays. It is also considered appropriate to attach a condition to any consent restricting the use of the public car jet wash and valet buildings to the dedicated bays within each building. This will ensure that there should be no encroachment onto the highway in terms of the uses and also confine any noise within the buildings. Members are advised that there are a number of public car jet wash and valet facilities granted planning approval within the borough that are nearer to dwellings than the circumstances of this application, some in fact operate side by side. Also, this Council has lost both a planning and enforcement appeal in respect of a proposed car wash facility at Pontygwindy Road Service Station, Caerphilly where there are several residential dwellings adjoining or in close proximity to the application site. The Inspector considered the main issue to be the impact upon the amenities of residents but concluded any adverse impact may be controlled by the imposition of conditions being attached to any consent.

Other material considerations: None.

In conclusion it is considered the proposed development does not conflict with local plan policies and subject to the imposition of appropriate conditions is acceptable in planning terms.

This application was submitted before the Council adopted the Community Infrastructure Levy (CIL). The applicant has not submitted all the information necessary to comply with the CIL regulations. That does not affect the planning merits of this proposal, but should be resolved before a permission is issued.

RECOMMENDATION that (A) appropriate CIL information is secured from the applicant following which (B) Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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- 02) Within one month of the date of this consent, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 03) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 04) The use hereby permitted shall not be open to customers outside the following times 0800hrs - 1800hrs Monday to Friday, 0900hrs - 1700hrs Saturday and 1000hrs - 1600hrs Sundays and Public Holidays.
REASON: In the interests of residential amenity.
- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WPGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 06) Within one month of the date of this consent, a swept path analysis demonstrating that a vehicle transporter can both enter and leave the site in a forward gear at all times; shall be submitted for consideration and approval in writing with the Local Planning Authority. The agreed vehicle transporter path shall be maintained free of obstruction at all times.
REASON: In the interests of highway safety.

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- 07) Notwithstanding the submitted plans, within one month of the date of this consent, details shall be submitted to and approved in writing by the Local Planning Authority, providing parking and operational space in line with LDP5 Car Parking Standards in respect of all the uses operating at the site, including:
- the existing van sales element of the site;
 - the proposed extension to the existing petrol filling station shop;
 - retained and existing valeting workshops;
 - public car wash;
 - Units C1, C2A and C2B
- The approved scheme shall be marked out on site within one calendar month following approval of details and permanently retained and kept available at all times for the respective uses identified.
REASON: In the interests of highway safety.
- 08) Within one calendar month of the date of this consent, notwithstanding the submitted plans, a revised scheme for vehicles waiting to use the retained public car wash shall be submitted for consideration and approval in writing with the Local Planning Authority. The approved scheme shall be implemented within one month of the details being approved.
REASON: In the interests of highway safety.
- 09) The use of any powered equipment or tools associated with the public car jet wash and three-bay valet building shall be confined to within those buildings hereby approved for those uses and shall not extend to any outside areas.
REASON: In the interest of highway safety.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, any gates shall be located and fitted so as not to open outwards towards the highway.
REASON: In the interests of highway safety.
- 11) Notwithstanding the details submitted, within one month of the date of this consent, details of intrusive site investigation works to establish the exact situation regarding coal mining legacy issues including any remedial works considered necessary on the site shall be submitted for consideration and approval in writing with the Local Planning Authority. Where the site investigations confirm the need for remedial works to treat areas of shallow mine workings these remedial works shall be carried out within six months of the details being agreed.
REASON: To ensure the safety and stability of the proposed development.
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- 12) Within one month of the date of this consent, a comprehensive scheme showing how surface water and land drainage flows from the site will be dealt with shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be implemented within six months of the date of the agreed details.
REASON: To ensure the development is served by an appropriate means of drainage.
- 13) Within one month of the date of the approval of details in respect of conditions 07) and 08) above, details of directional signage in respect of the provision of customer parking at the site shall be submitted for consideration and approval in writing. the agreed details shall be implemented within one month of the details being agreed and maintained in place at all times thereafter.
REASON: In the interests of highway safety.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of Transportation Engineering Manager, Dwr Cymru/Welsh Water, The Coal Authority and Senior Engineer (Land Drainage).
