

Application Number: 22/0463/COU

Date Received: 20.05.2022

Applicant: Mr A Kharzi

Description and Location of Development: Change the use to a B1 use class for car valeting and hand washing - Land At South Wales Motors St Cenydd Road East Treceenydd Caerphilly

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Land At South Wales Motors, St Cenydd Road East, Treceenydd, Caerphilly. The application site is located on the eastern side of St Cenydd Road.

Site description: The application site is an irregular shaped parcel of land situated adjacent to the juncture between Station Terrace and the vehicular access to the former Zonner Industries otherwise known as 'The Sidings Building' (St Cenydd Road). The site is relatively level and has been cleared with the surface completed in loose gravel and some soft landscaping remaining along the rear site boundaries. A single shipping container and portable office building have been left on the site. The site is enclosed in-part at the front with an existing weldmesh and concrete post fence but is open along the remainder.

To the rear (north), the site shares a boundary with properties situated along the southern end of Thomasville (No's 31 and 32) and No. 1 Station Terrace. The boundary with Thomasville is delineated with a combination of residential 'timber fencing' and weldmesh with a larger mature tree to the east. To the west of the site, adjacent to the side of No. 1 Station Terrace is a smaller enclosed parcel of land, accommodating a collection of storage containers and larger shipping units (presumed for storage). The dwellings in Thomasville feature Mansard roofs with habitable room windows in the pine ends facing directly onto the application site.

Development: Planning permission is sought for the change of use from B1 Use Class to Sui Generis (Car Valeting and Hand Washing). Access will be achieved via an existing pavement crossing to the front of the site (southern site boundary) derived from the access track which serves the Sidings Building (former Zonner Industries) set to the east of the application site. The access is set approx. 38.0m from the juncture with Station Terrace and will be gated with a 180-degree opening security gate.

The site will feature a covered polishing bay, jet wash bay with proprietary specialist canopies and screens to contain spray, with an existing portable office building relocated to the north of the site to provide an office/staff welfare facility, with temporary portable loo. A large storage container will be sited along the northern perimeter for

storage of cleaning materials. Along the eastern side it is proposed to site 9 No. vehicle parking bays for staff/customer use, with an adjacent refuse store. In this case, the proposed site layout plan (Drawing No. 2208. PL03) features limited details with respect to the construction, scale and design of the proposed canopies, bay screening and storage containers.

Dimensions: Site area is approx. 1160.10sqm (0.11Ha). Covered polishing bay and Jet wash bays: 10.0m (l) x 5.0m (w). Parking bays: 4.80m (l) x 2.50m (w). Portable office building: 6.10m (l) x 2.50m (w).

Materials: Not specified with respect to the above, additional details are required.

Ancillary development, e.g. parking: Parking area accommodating 9 No. vehicle bays is proposed along the eastern site border. The site will be enclosed via 2.40m high paladin stripe mesh security fencing at the front (west, east, and south site boundaries) and 2.40m high closed lap timber fencing to the Rear (north) site.

PLANNING HISTORY 2010 TO PRESENT 17/0914/COU - Provide car wash and valeting service - Refused 14.12.2017.

18/0146/COU - Provide car wash and valeting service - Refused 05.04.2018.

22/0251/RET - Retain the change of use from manufacturing to vehicle recovery and storage - Pending Consideration.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The application site is located within the settlement limits of Caerphilly and local ward of Penyrheol.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways) and CW15 (General Locational Constraints).

SUPPLEMENTARY PLANNING GUIDANCE: Supplementary Planning Guidance (SPG) is produced to provide further detail on certain policies and proposals contained within the Caerphilly County Borough Local Development Plan (LDP). The guidance ensures that certain policies and proposals are better understood and applied effectively to all relevant development. The following adopted SPG's are relevant to this application:

LDP 5: Car Parking Standards (Revision No. 2) adopted January 2017.

The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales - Wales Parking Standards 2014 will be applied across Caerphilly county borough. This guidance supplemented LDP Policy SP21.

LDP 6: Building Better Places to Live (Revision No. 3) adopted January 2017.

The main purpose of this Supplementary Planning Guidance (SPG) is to improve the standard of design in residential development, regardless of its size and location. The guide focuses on assessing development against the key placemaking principles, as such, to ensure that development is designed to meet the requirements of Planning Policy Wales (PPW) and convey the design implications of Technical Advice Note - TAN 12: Design (March 2016).

NATIONAL POLICY Planning Policy Wales (Edition 11) and Future Wales - The National Plan 2040 (February 2021). The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be considered in the determination of applications at all levels.

Paragraph 3.9 of PPW: The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

Paragraph 3.14 of PPW: Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.

Paragraph 3.16 of PPW: Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.

Paragraph 3.50 of PPW: A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting.

Paragraph 5.4.15 of PPW: 5 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Technical advice notes (TANs) provide detailed planning advice. The following have been considered when assessing this proposal: Technical Advice Note (TAN) 4: Retail

And Commercial Development (November 2016), TAN 12: Design (2016) and TAN 23: Economic Development (February 2014).

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? The application site lies within a Coal Mining Development - Low Risk Area. Advisory notes will be attached to any consent granted, to raise awareness to the coal mining conditions in this area.

CONSULTATION

Transportation Engineering Manager - CCBC - No comments submitted.

Environmental Health Manager has no objections to the above planning application, subject to the following conditions:

Waste from commercial premises: Unless otherwise agreed in writing with the local planning authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the local planning authority.

REASON: In the interest of public health.

Site control - dust suppression: Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

REASON: In the interests of the amenity of the area.

Site control - noise suppression: Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area.

Our Health and Safety team also have the following comments to make: "This type of business falls to the HSE for Health and Safety enforcement."

Senior Engineer (Drainage) - No Objections.

Principal Valuer - There are no comments from Property, however, I noted that some Highway land has been included in the site location plan, as shown by the edged thick red line on the accompanying plan.

Dwr Cymru - We note that the application indicates that the foul flows are to be disposed of via a portable toilet. In principle, we offer no objection to the foul flows discharging to the public sewer, should this be the proposed method of foul water disposal. Similarly, we note that the proposed method of surface water disposal will be via a main sewer. However, there is no justification within the application submitted investigating sustainable methods of surface water drainage. In the absence of this information and to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the suggested condition and advisory notes should be applied/made available to the applicant.

Planning condition: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

CADW - No comments submitted.

ADVERTISEMENT

Extent of advertisement: The application was advertised via means of neighbour notification letters issued to properties along Thomasville and No. 1 Station Terrace.

Response: In total 1 No. OBJECTION comment and 1 No. NEUTRAL comment have been received.

Summary of observations: The key points contained within the submitted representations are summarised below:

1. Same application was refused in 2018 (18/0146/COU) since this time 2 No. new roads and a house have been built (St Cenydd Road East and Record Street).
2. Share a 120ft common boundary with the application site, hence would be impacted by the development; The noise, smell and spray contamination would impact residential amenity.
3. Caerphilly already has 7 cash wash facilities.
4. Lanes Recovery already operate 24/7 with additional traffic and noise. Car wash open to the public on a 10.5m radius curve, would result in parked vehicles on kerbs with car transporters trying to reverse around this corner.
5. Indicated drainage is not a drain, but a 'chimney' put in place by Zonner Industries in the 1990's for a development plan. The area is built up land from 1950's and 60's. The proposed toilet would be a soakaway.

6. Japanese knot weed encroachment is an issue and needs to be removed, in 2018 CCBC advised that this did not contaminate the site. Evidence to show that it has been 5ft tall.

7. Fencing would be required to secure the carwash to prevent water running into neighbouring gardens and to ensure that there is privacy.

SECTION 17 CRIME AND DISORDER ACT

Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications): Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area; and (d) serious violence in its area.

Planning Policy Wales (PPW) Edition 11 (Feb 2021) - section 3.11 (community safety): Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive community's well-being goal.

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?

Crime and disorder are not considered to be an issue for this application. It is noted that the opening hours for this facility would need to be controlled to prevent operation in the early hours of the morning when issues with anti-social behaviour or other crimes may arise. In addition it would be the responsibility of the landowner to ensure that no valuables were left on site overnight and that the site was secured to deter crime.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Based on current evidence, this is unlikely to be a significant issue in this case, if appropriate, advisory notes will be attached to the consent and sent to the applicant as a precautionary measure. In this case it is not necessary to secure any biodiversity enhancements via planning condition.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity

(to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not CIL Liable.

ANALYSIS

Policies: The proposal has been assessed against all relevant Local Development Plan Policies, associated supplementary planning guidance and other material planning considerations, in conjunction with overarching national planning guidance contained with Planning Policy Wales (PPW), Future Wales: The National Plan 2040 and Technical Advice Notes (TANs).

In determining this application previous planning refusals are of note, given the rejected proposals are of the same nature. Planning permission 17/0914/COU (Provide car wash and valeting service) was refused on 14.12.2017 and subsequently 18/0146/COU (Provide car wash and valeting service) was also refused on 05.04.2018. The primary reasons for refusal, common to both applications are highlighted in sequence below:

1. The proposed use, by virtue of the potential for noise and vibration from power washers, vacuum cleaners, and other equipment, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
2. The proposed use, by virtue of the potential for spray from power washers crossing the boundaries of the site, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

This proposal would need to demonstrate that the above reasons for refusal have been significantly overcome. In this case the site has previously featured limited 'permanent' development, with the siting of temporary buildings for use for storage and an office provision ancillary to the neighbouring land use (1990's). From 2001 to 2016, the site has mostly been left open, as an area of 'green' space at the curved juncture between the entrance to Zonner Industries and Station Terrace. A small area of hardstanding has

always been present to the east of the site, with the land predominantly laid with grass and some unkempt vegetation. However, the boundary with Thomasville has been greatly screened with mature shrubs/trees across this period, until the site has been cleared and coated in gravel circa 2020/2021.

This former use, together with its location adjacent to other industrial uses on a main arterial route between the B4263 and A469 are material considerations that weigh in its favour. However, in this case the site shares a boundary with a wider residential area, with 3 No. properties in close proximity to the development with no geographical separation or proposed landscaping. In that regard, it is accepted that this type of car wash facility can lead to noise and air-borne water spray issues. The proposal presents a separation distance of less than 12.0m to the nearest dwelling (No. 32 Thomasville) from the site boundary and just over 20.0m from the jet washing bay. The 2 No. proposed dwellings within the curtilage of 31 Thomasville (planning permission 16/0623/FULL) will be set approx. 5.0m away from the application site. In conjunction with limited separation distances, the existing dwellings along Thomasville have habitable room windows on the pine ends facing onto the application site.

Previous applications have been refused on ground 1; non-compliance with the policy objectives of CW2 (criteria A and C). The question is, has this reason for refusal been successfully overcome in this later application. LDP Policy CW2 presents a number of objectives to ensure that development proposals give due regard to the visual and residential amenities of adjacent occupants and land. Notably criteria (A) "There is no unacceptable impact on the amenity of adjacent properties or land" and (C) "The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use". The applicant proposes a variety of mitigation measures, inclusive of the provision of 'proprietary specialist' canopy and spray screens to the side of the jet-wash bay to 'catch' spray and a 2.4m high, closed timber lap fence along the boundary with Thomasville. However, no other mechanisms to reduce noise disturbance or air/ground water contamination are incorporated into the development.

The proposed measures would not be sufficient to address the concerns mentioned above for the following reasons, (i) spray screens and/or canopies would be deficient in preventing air-borne spray/chemicals from being carried in northerly winds across the amenity areas of neighbouring properties, without a full 'chamber' style enclosure and (ii) any structure that would achieve this would need to be designed to a high quality to ensure compliance with LDP policy SP6 (Placemaking) and it is considered that this would be unreasonable in planning terms and (iii) Timber fencing would be insufficient in comparison to quality acoustic fencing, which at the necessary height (As per guidance within TAN 11: Noise) to secure sound-proofing would result in overbearing impacts upon the occupants of adjoining properties and from the side of Thomasville would be a noticeable addition to the streetscene, to the detriment of the visual amenity of this area.

Although these properties are already subject to high levels of noise from the unauthorised 24/7 automotive recovery business (Lanes Recovery) operating from the adjacent site (The Sidings Building), any noise emanating from this additional use would be more significant than that from passing vehicles and the adjacent industrial units due to its more immediate siting along a residential boundary. In this case, the application still warrants refusal with respect to parts (A) and (C) of Policy CW2. The use of jet washers, compressors, vacuum cleaners etc and the noise and spray caused by such equipment would have an unacceptable impact on the amenity of neighbouring dwellings contrary to the provisions of Policy CW2 of the Local Development Plan, which states that there should be no unacceptable impact on the amenity of adjacent land or properties.

LDP Policy SP6 (Placemaking) ensures that Development proposals contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. This includes promoting an appropriate mix of uses that reflect the role and function of settlements and achieving a high standard of design that reinforces attractive qualities of local distinctiveness. The proposed sui generis use of a car valeting and washing facility is not appropriate in this context, due to its nearness to residential dwellings. Criterion A of Policy SP6 clarifies that development proposals will only be permitted where they are, "An appropriate mix of uses that reflect the role and function of settlements". Additionally criterion D of SP6 states that development proposals must be in, "a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all". In this case the applicant intends to utilise an existing access (eastern side of the site) onto St Cenydd Road, which has been utilised for vehicular crossover since the 2000's when the area of hardstanding (storage yard) was well established. With regard to highway safety it should be noted that the access from the site onto St Cenydd Road is an existing access with acceptable vision splays Likewise the applicant intends to provide 9 No. allocated on-site parking spaces.

It has been queried as to whom would maintain/control this section of highway, given the stretch of this access approx. 70m down from Station terrace is not maintainable highway, the Councils Principal Valuer also notes a section of land (western side along Station Terrace) incorporated into the red-line boundary is Highways Authority Land. Although the Councils Transportation Engineering Services Manager has not commented on this application, no objections were raised against the former application 18/0146/COU provided planning conditions were imposed to safeguard on-site parking, materials, layout (in/out movements of vehicles) and a directional signage scheme. The officer noted "the proposed access into the site from the access road to Zonner Industries would need to be located at the furthest end of the site from St Cenydd Road in order to ensure that vehicles do not queue onto St Cenydd Road." Given the above, it is still considered that this can be adequately controlled by condition and as such the proposal is considered to be acceptable in highway safety terms and complies with Policy CW3 and SP21 of the Local Development Plan and SPG LDP5: Parking Standards.

In conclusion it is considered that the proposal is unacceptable in respect of the impact on the amenity of neighbouring properties and as such the proposal is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. Refusal is recommended

Comments from consultees: No Objections subject to the suggested planning conditions being imposed. The Councils Principal Valuer has advised that a section of the land parcel (western side) is land adopted by the Highways Authority and the applicant would need to address this land ownership.

Comments from public: Any objection comments which relate to matters that have not been discussed within the main body of the report are acknowledged below:

1. Same application was refused in 2018 (18/0146/COU) since this time 2 No. new roads and a house have been built (St Cenydd Road East and Record Street). Former planning refusals have been considered. A full character and context appraisal has been completed to understand the relationship the development will have within the existing built environment, surrounding land uses and the potential adverse impacts that may arise as a result of enabling this form of development in such a location. The principles within LDP6: Building Better Places to Live are applied to all levels of development to ensure that proposals comply with the core LDP Policies, notably Policy CW2 (amenity) and SP6 (Placemaking). The impacts upon residential amenity have been discussed in depth within the report.

2. Lanes Recovery already operate 24/7 with additional traffic and noise. Car wash open to the public on a 10.5m radius curve, would result in parked vehicles on kerbs with car transporters trying to reverse around this corner. The applicant has mitigated the potential impacts upon highway safety by providing on-site parking for use by customers and staff, this would likely deter vehicles using the facility from parking on the bend. It is also noted that double-yellow lines approx. 50m in length have been painted along both sides of the junction with Station Road, with the proposed access set beyond this. There could be scope for the Highways Authority to extend these markings, if necessary, should parking issues be reported.

3. Indicated drainage is not a drain, but a 'chimney' put in place by Zonner Industries in the 1990's for a development plan. The area is built up land from 1950's and 60's. The proposed toilet would be a soakaway. The proposed toilet is a temporary portaloo, which self-contains waste. The applicant has indicated that they may wish to incorporate a permanent WC facility in future. Welsh Water (Dwr Cymru) presents the following comments with respect to a WC facility, "In principle, we offer no objection to the foul flows discharging to the public sewer, should this be the proposed method of foul water disposal." A soakaway is not proposed.

4. Japanese knot weed encroachment is an issue and needs to be removed, in 2018 CCBC advised that this did not contaminate the site. Evidence to show that it has been 5ft tall.

This issue has not been identified by CCBC. Regardless, Japanese Knotweed is classified as an invasive species it is therefore the responsibility of the landowner to prevent the plant spreading to neighbouring land (or into the wild), and removal of plant must be conducted with a specialist, with an anti-contamination scheme implemented for long-term control.

5. Fencing would be required to secure the carwash to prevent water running into neighbouring gardens and to ensure that there is privacy.

The applicant has proposed 2.40m high timber fencing to enclose the site along the northern site boundary, although this would add a degree of privacy to neighbouring occupants, the fencing is not an appropriate means to manage surface water run-off, prevent water contamination or mitigate noise impacts.

Other material considerations: Regard has been given to the duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposed use, by virtue of the potential for noise and vibration from power washers, vacuum cleaners and other equipment, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) The proposed use, by virtue of the potential for spray from power washers crossing the boundaries of the site, would have an unacceptable impact on the

amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.