

## **PLANNING & DEVELOPMENT COMMITTEE**

**24 JUNE 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0219/10 (GH)  
**APPLICANT:** Enterprise Rent-A-Car  
**DEVELOPMENT:** Proposed new wash bay canopy. (Further revised plans, introducing automatic doors to canopy, manufacturer's specification and supporting statement, received 26/4/21)  
**LOCATION:** ENTERPRISE RENT A CAR, CARDIFF ROAD, HAWTHORN, PONTYPRIDD, CF37 5AG  
**DATE REGISTERED:** 26/04/2021  
**ELECTORAL DIVISION:** Hawthorn

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** The proposed new wash bay canopy would represent betterment over the current on-site valeting arrangements, providing an opportunity to improve amenity issues for neighbouring residents in respect of noise, spray, location, and control of hours of operation. Furthermore, given the appearance of the existing site buildings, the design of the canopy would not be considered to be harmful to the character and appearance of the site.

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

Three or more letters of objection have been received

#### **APPLICATION DETAILS**

Full planning consent is sought to construct a car wash bay canopy at Enterprise Rent-A-Car, Cardiff Road, Hawthorn.

It is proposed that the wash bay would be located centrally within the site, above an area of hardstanding with a centrally positioned drain, such that vehicles could enter and leave from either side.

The wash bay would comprise a metal frame to a maximum width of 6m and a depth of 10m, the dimensions of which include an integral materials store protruding from its northern side.

Both ends of the structure would be enclosed with a 'Rapid Roll' fabric curtain door, which the Applicant has advised would be set up so that the valeting equipment could only be used when the doors are closed.

The monopitch roof would have a maximum height of 3.75m on its westerly edge, with a modest fall to the east to enable the surface to drain. This would also be clad with light grey corrugated metal and acoustic panels fitted to the walls and roof.

In terms of the proposed hours of operation, the Applicant has requested the following:

Monday to Friday: 07:00 – 19:00 hours  
Saturdays: 08:00 – 17:00 hours

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Planning Statement
- SeceuroDoor Rapid Roll manufacturers specification

## **SITE APPRAISAL**

The application property consists of a large purpose-built industrial unit and forecourt, occupying a 0.17ha site both towards the centre of the Hawthorn area and to the south of the A470.

Enterprise Rent-A-Car currently operates from the site, having gained planning consent for a change of use in 2017, prior to which a long-established car sales business and MOT workshop had been in situ. The latter still occupies the eastern part of the building and site.

From Cardiff Road two vehicular crossovers lead to a forecourt of substantial size, which provides parking for both customers and the hire fleet. The main building, which is mostly single storey, is positioned in the north-western corner and is where the hire business has its offices and reception. The rear of the building accommodates the existing valeting bay.

The boundary with Cardiff Road to the south is formed by a combination of low wall and metal palisade fencing, whilst that to the east, north and west, and which borders residential properties and a footpath, is a combination of timber fence and hedging.

Most of the neighbouring properties adjacent to the site are residential, although there is a public house and hairdressing business facing the site, and a cluster of retail premises just to the east on Ynyscorrwg Road.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**18/0090/10:** Pre-fabricated car wash bay canopy. Decision: 13/03/2018, Refused.

- 17/1069/01:** Illuminated fascia sign to main building. Free standing pylon sign directional /entrance signs to gates. Decision: 22/11/2017, Grant.
- 17/0733/10:** Change of use from MOT centre and car sales to MOT centre and car hire. Decision: 12/09/2017, Grant.

## **PUBLICITY**

The application has been advertised by direct notification to sixteen neighbouring properties and notices were displayed on site.

As a result of amendments received, relating firstly to the orientation of the wash bay and secondly, to the inclusion of the Rapid Roll doors and supporting statement, consultations were undertaken twice.

A total of thirteen letters of objection have been received from seven neighbouring properties raising the following concerns which can be summarised as follows:

- If approved, time should be restricted to 9am to 5pm
- Residents have already been affected by transporters blocking in neighbours and by Enterprise's vans, with objections receiving an arrogant response.
- Will it only be vehicles from this site being washed?
- Enterprise should look at securing a site at Treforest Industrial Estate for washing and cleaning vehicles where no residents live and where they could be offered a business incentive.
- There are already far too many vehicles in this area with the pub car park, vehicles from the garage next to Enterprise and two bus stops which are well used. Further, additional cars drop off and collect in the area in association with the High School and this has also affected the area by the Post Office with cars parked on the grass verges and roads.
- I have had to shout from the bedroom window at staff jet washing past midnight and feel this would start to happen again. I have young children and it is inappropriate listening to this noise late at night. They should be based on an industrial estate. I also work nights and find it very noisy with cars scraping against the gravel. The detergents they are using is spraying over our washing.
- We do not object to the vehicles being on site, just the operation of the power washing of vehicles.
- We live directly behind the entrance of the present facility. When vehicles are being driven in to be cleaned, they drive over chippings which creates noise, then the vehicle is vacuumed just inside the door (which sounds like a jet engine) followed by doors slamming and on occasions sounding of horns. Then it is driven into the vehicle wash bay. Also on occasions they use a second power lance outside the building. They have been told by the Public Health Department they are not supposed to clean vehicles outside, but they choose to ignore it. There is a water pump in the wash bay which operates from time to time to get rid of excess water to prevent flooding which is also very noisy. Some days there is an almost constant number of vehicles being cleaned.
- When the weather is nice we used to enjoy sitting in our garden but it's no longer possible as it is just too noisy.

- I do not want to be restricted from sitting in my garden because of the excessive noise of machinery along with the staff shouting out bad language, which is louder than the noise of the machinery.
- No acoustic report has been provided in connection with the proposed new wash bay canopy. Currently, Enterprise Cars use pressure washers and hoovers within a large building on the site which is somewhat removed from the local residences. These make enough noise as it is, often continuously (machinery is not switched off when not in use) and also very late into the evening.
- Currently, there is a planning restriction on when Enterprise Cars have vehicles delivered to site. This cannot take place before 9am or after 4.30pm. Enterprise Cars seem unable to abide by this and evidence of recent deliveries before 9am has been supplied by local residents to the planning department. The car transporter also blocks driveways and crosses the zig zag area near the pedestrian crossing at the time that the children are on their way to the primary school. If any time restrictions were therefore to be placed on when the wash bay canopy was to be used, would Enterprise Cars stick to them?
- Enterprise Cars have noted that they have used similar set-ups elsewhere with success. In that case, it should be perfectly possible for them to provide a noise impact assessment and even videos of the facility in operation which would serve to reassure local residents that the solution now proposed will, in fact, be a solution.
- Other respondents to the proposal have mentioned SUDS. What provision for the drainage of waste water will be made? Will a petrol interceptor be installed to prevent any waste petrol from entering main drains?
- I have been woken up again by this racket. They aren't supposed to be jet washing in the yard. There is no way they are going to keep the doors shut on their new building while jet washing.

## **CONSULTATION**

### Highways and Transportation

No objection and no conditions are recommended.

### Drainage

No objection or recommendation for condition in relation to surface water flood risk for this application as this will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

No objection, subject to a condition restricting hours of working to 8am to 6pm Mondays to Fridays and 9am to 5pm on Saturdays and Sundays. Valeting/car washing should not take place anywhere else on site other than the designated car wash bay.

### Natural Resources Wales

No objection. The site lies partially within Zone C1 of the Development Advice Map (DAM) as contained in TAN15. Given the nature of the proposed development, the location of flood risk shown to be affecting the application site and in the absence of a flood consequences assessment, NRW considers the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

#### Dwr Cymru Welsh Water

Notes that the application specifies the proposed method of surface water disposal will be via a main sewer. There is no justification within the application submitted investigating sustainable methods of surface water drainage, although the proposed development would be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems', for which DCWW is a consultee.

No other consultation responses have been received within the statutory period.

### **POLICY CONTEXT**

#### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Hawthorn

**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** - supports development proposals which are not detrimental to public health or the environment

#### **Supplementary Planning Guidance**

- Design and Place-making
- Access, Circulation and Parking Requirements

#### **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 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National

Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 11: Noise  
PPW Technical Advice Note 12: Design

## **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**

As was the case for the car sales business which previously occupied the premises, it is acknowledged that there would also be a need to provide washing facilities for a vehicle hire operation, which would be considered as an activity ancillary to the main use of the site.

Originally, Enterprise installed an external car washing area to the rear of the site, close to the boundary with the neighbouring properties located on Ynyscorrwg Road, which comprised a concrete hardstand and drainage system. Shortly afterwards, a large canvas canopy was erected over the washing area, and a retrospective planning application submitted to retain the structure (18/0090/10).

However, this application was refused due to concerns regarding neighbour amenity and the canopy was subsequently removed. An enforcement notice was served for the removal of the remaining drainage system within the hardstand, for the purpose of preventing external vehicle washing. The notice was subject to an appeal, which was dismissed, and the notice was varied and upheld.

As the Planning Inspector noted at the time of her site visit, adaptations had been made to rear part of the existing building, prior to the appeal hearing, to form an internal car washing bay. This internal bay is enclosed on three sides and roofed but is generally open for access at the front. The works carried out to create this area did not require planning permission.

Since then all but the highest vehicles, which could not fit through the entrance, have been washed in the internal bay although, as noted below, this has not been satisfactory for neighbouring residents. The Applicant has stated that current application is an attempt to improve matters for the residents around the rental site and for the team at the rental location.

In this case the main material concerns are considered to be the siting and appearance of the proposed wash bay and canopy, and its proximity to residential properties. Such matters are discussed below.

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

As viewed from Cardiff Road, the proposed wash bay canopy would be seen in the context of the existing large unit and forecourt, to which it would appear as a subordinate and ancillary structure.

The external finish of the canopy, whilst not being particularly attractive, would be of a similar appearance to the corrugated cladding on the front, side and roof of the existing unit which accommodates both Enterprise and the separate vehicle repair business. In addition, it is likely that the new structure would be partly screened by the intervening parked vehicles.

Therefore, the position and appearance of the wash bay canopy are considered acceptable in terms of any impact on the character and appearance of the site and street scene.

### **Impact on neighbouring occupiers**

Although the existing internal valeting bay may have led to a reduction in noise levels, compared with the earlier vehicle cleaning outside, the consultation responses from residents demonstrates that the noise of valeting equipment, vehicle movements and that generated by the valeters themselves, continues to have a disruptive impact on those closest to the site.

Ideally, as residents note, the situation would be resolved by valeting taking place off-site and several have expressed a wish for Enterprise to re-locate. However, the application must be determined as presented and as referred to in the previous section, it was identified at appeal that the creation of the internal wash bay did not

require planning consent, which may therefore be considered to be a default or fall-back position.

Notwithstanding reports or concerns of valeting currently taking place at unsocial times and/or outside of the internal bay, these matters may be considered as a statutory nuisance and enforced by the Public Health Section under the Environmental Protection Act 1990

The Planning Statement explains that the existing internal wash bay is set up with a drainage system that automatically pumps water up and away from the wash bay bed, into a filter and then to drains. The system causes a noise level similar to that of a vacuum cleaner and is on a timer, but a similar set up would not be necessary for the proposed new wash bay and canopy.

In addition, it is proposed to install acoustic panelling and fabric curtain doors to the new bay, which should resolve concerns about drifting spray from washing equipment and help to reduce noise. Nonetheless, a condition is recommended to require the submission of the details of the acoustic panels for approval, and a further condition recommended to restrict use of the bay only to when the doors are closed.

The Applicant was also asked to comment on other matters, including concerns highlighted by objectors. It was clarified that the existing internal wash bay would, in future, be used for vehicle parking, thus noise from valeting would not occur from there. As per the comments from Public Health, a condition is proposed to prevent valeting from taking place elsewhere on the application site, other than for the new bay. A condition is also recommended to limit hours of operation of the new bay to those considered appropriate by Public Health to protect neighbour amenity.

In terms of the use of the new bay, the Applicant has stated that on an average day, 25 vehicles would be cleaned, and it would enable all of the rental fleet based at Hawthorn to be cleaned on site, the largest of which is a Luton box van. No rental vehicles would be cleaned other than those allocated to the Hawthorn site, and although two smaller cars might fit into the bay at the same time, this would be unlikely due, for example, to one getting dirty with the overspray from another.

Consideration was also given as to whether an acoustic report might be necessary but as the Applicant advised, the new wash bay would eradicate the most frequent noise source – namely the drainage pump system – and move the cleaning away from the residents at Ynyscorrwg Road. In any event the aforementioned condition relating to the specification of the acoustic panels will address this matter.

Lastly, the new wash bay would be at a sufficient distance from neighbouring dwellings to cause any direct harm to outlook or shading, being just over 15m from the rear boundary of the site as measured from its nearest point, and 11m from the eastern side boundary. In terms of distance from the elevations of the closest dwellings, these would be 21.6m to the those at Ynyscorrwg Road to north, and 17m from the bungalow known as 'Electra' to the east.

Consequently, subject to conditions, the new wash bay and canopy is considered to represent an improvement to the amenity of neighbouring residents and would

therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

### **Access and highway safety**

The application property is served from the A4054 (Cardiff Road), which has a carriageway width of 8m, a 2.8m wide footway on the development side and a 1.8m wide footway on the opposite side. Other than the presence of bus stop clearways directly outside the site and zig-zag markings to the immediate southeast, there are no parking restrictions in place along Cardiff Road in the vicinity of the site.

The car hire element of the site has an operational requirement of 1 space per vehicle operated and a non-operational requirement of 1 space per 3 auxiliary staff. Information submitted in support of previous applications indicated that a maximum of 30 vehicles could be located at the site, with a typical day resulting in around 10 – 15 vehicles being present.

Compared with those previously submitted details the current proposal would remove 4 off-street car parking spaces which raises concern; although it is appreciated that the interior space currently used for valeting vehicles could instead be used for parking.

However, whilst development would remove some off-street car parking, the Council's Highways and Transportation Section has advised that the remaining provision would still be in excess of that stipulated by the SPG for Access, Circulation and Parking Requirements, and the development is therefore considered acceptable.

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

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

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

### **Conclusion**

Subject to details of the acoustic lining and conditions relating to hours of operation and other related amenity matters, it is considered that the proposal would improve the amenity of the closest neighbouring occupiers, compared with the current valeting arrangements. In addition, the scale, siting, and design of the canopy would not be harmful to the appearance of the site and surrounding area. The application is therefore considered to be in accordance with Policies AW5, AW6 and AW10 of the Local Development Plan.

### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

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 completed in accordance with the approved drawings numbers:

- 001
- 002 Revision A
- 003 Revision B

and details and documents received on 15<sup>th</sup> February 2021, 26<sup>th</sup> March 2021, 26<sup>th</sup> April 2021 and 27<sup>th</sup> April 2021.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development works shall commence on site until full details and specification of the proposed acoustic panelling, together with a report of the external noise levels that would emanate from use of the equipment within the approved wash bay and canopy, with panelling installed and doors closed, have been submitted to and approved by the Local Planning Authority. The panelling shall be installed in accordance with the approved details before the new wash bay and canopy is brought into beneficial use and shall be maintained in perpetuity and in good order thereafter.

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

4. Use of the new wash bay and canopy shall be restricted to the following:

Monday to Friday	08.00 to 18.00 hours
Saturday	09.00 to 17.00 hours
Sunday and Bank Holidays	Not At All

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

5. Once the new wash bay and canopy hereby approved are brought into beneficial use, no cleaning of vehicles shall take place anywhere else on site other than the within the approved wash bay and canopy.

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

6. No cleaning of vehicles shall take place within the approved wash bay and canopy unless both of its doors are closed.

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