

REFERENCE: P/16/138/FUL

APPLICANT: Asda Stores Ltd Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD

LOCATION: Asda off Coychurch Road Bridgend CF31 3AS

PROPOSAL: Change use of part of store car park to an automated petrol filling station & assoc. infrastructure

RECEIVED: 24 February 2016

SITE INSPECTED: 8 March 2016

APPLICATION/SITE DESCRIPTION

The application proposes the introduction of a Petrol Filling Station with associated infrastructure into the car park of the existing ASDA superstore, which is accessed from the Cowbridge/Coychurch Link Road. The proposed facility will occupy an area of car park to the south east of the Superstore Building and adjacent to the roundabout controlled junction of the customer access with the delivery/loading bay access. The Petrol Filling Station will have four dispensers/pumps with fuel hose delivery to both sides thereby providing 8 filling positions under a canopy. The pumps will be fully automated which means that they will only be operated by means of a customer credit card authorisation with no cash sales and no requirements for a sales kiosk. The facility also includes an associated control room unit to be sited on the northern side of the pumps together with ancillary bins, compressed air and water facilities, underground storage tanks, lighting columns, CCTV monitoring and landscaping.

Access will be obtained via the existing car park access from the Cowbridge/Coychurch Link Road with the Petrol Filling Station operated on a one way access and egress principle. Access has been designed so that a right hand turn holding lane will be created to enable single trip customers to access the Petrol Filling Station via the existing entrance to the car park. Signage and surface markings will ensure the one way system but the forecourt has been designed to also allow adequate space for HGV tankers to manoeuvre safely. The facility is to be enclosed by new raised soft landscaping beds with a knee high timber rail fence 900mm in height around the western, northern and eastern boundaries.

RELEVANT HISTORY

P/02/967/OUT - 8680sq.m retail store, car park & link road - Approved with conds - 24/02/04

P/05/1284/RES - Erection of A1 Retail Store, car park & link road - Approved with conds - 20/01/06

P/07/274/FUL - Revision to Store Design - Approved with conds - 16/07/07

P/10/359/FUL - Extension of Home Shopping Loading Bay Platform & Canopy within Service Yard - Approved - 29/06/10

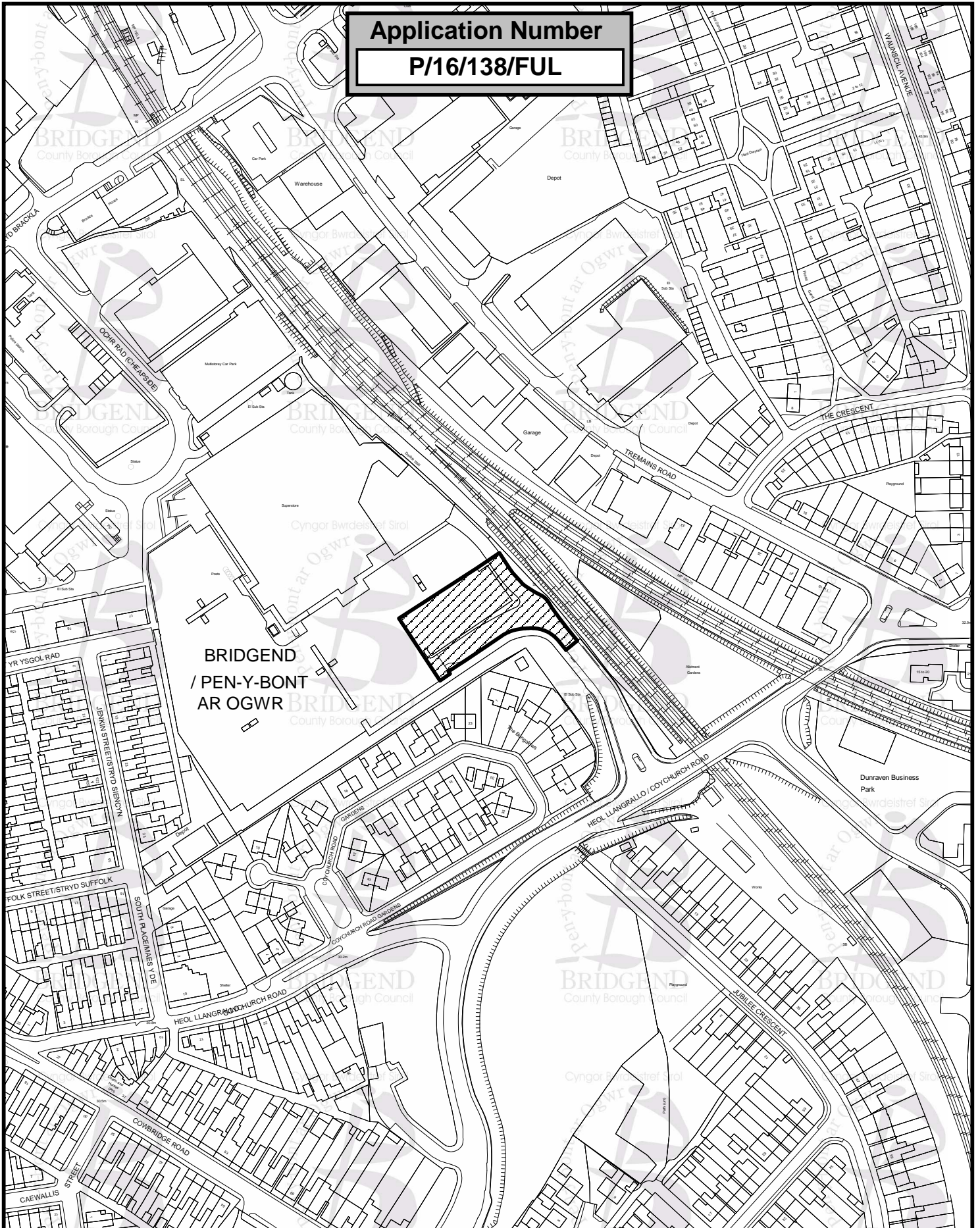
P/11/927/FUL - Modifications to scheme approved under 10/359 - Approved - 26/01/12

P/14/635/FUL - Photovoltaic panels over part of roof - Approved - 06/11/14

P/15/235/FUL - Customer Click & Collect Canopy - Approved with conds - 04/06/15

Application Number

P/16/138/FUL



BRIDGEND
/ PEN-Y-BONT
AR OGWR



Scale 1:2,500

Date Issued:
09/02/2017

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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Cyngor Bwrdeistref Siro



PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 25th March, 2016.

CONSULTATION RESPONSES

Councillor G Phillips - No residents have contacted me with any concerns and reservations and I have no doubts that it will benefit customers by offering cheaper prices for fuel and create increased employment levels at the store with the staff that will be need to work in the petrol station.

The Store Manager has contacted me and reassured me that the loss of car park spaces will not have any adverse effects and will not cause congestion in regards to the flow of traffic accessing and egressing the premises.

I hope that the planning committee when it deals with the application will support it.

Councillor E M Hughes - I have identified the following material considerations for referring the application to committee:-

1. Retail development on a retail site;
2. Offering customers competitive prices for petrol;
3. Infrastructure is sound to allow free flow of traffic;
4. Highly unlikely that there will be a long queue for petrol as there are other petrol stations nearby;
5. Complies with planning regulations;
6. Type of business associated with supermarkets.

Councillor Hughes has subsequently emailed to offer her support to the application on the bases that it will benefit customers with competitive prices and that the scheme should not interfere with the flow of traffic into and out of the supermarket.

Bridgend Town Council - Bridgend Town Council objects on the grounds that the proposed development will result in loss of necessary parking space and considers the access off the main Cowbridge Road Link to be inadequate which would be incompatible with the use of the petrol station and its prime use as a car park for customers. The main road is already over-congested at peak periods.

Head of Street Scene (Highways) - The Highways Department notes that the application has been supported by a Transport Statement prepared by the applicant's consultants SIAS. This has been independently audited by the Authority's consultants CAPITA. Initially there was objection to the scheme on the grounds that the proposed development would result in the loss of necessary parking space and that it had not been fully demonstrated that there would be no adverse impact on highway capacity and safety considerations.

Following prolonged discussions between the parties and the submission of additional information, which has also been independently audited by Capita, revised observations offering no objection subject to the applicant entering into a Section 106 Agreement to provide a financial contribution of £24,000.00 towards the re-sequencing of the traffic lights at the site entrance and the nearby Coychurch Road/Tremains Road junctions so that they are phased together to improve the existing situation and thereby

lessen the impact of the development. In addition, conditions requiring a scheme for the provision of a revised right turn holding lane and yellow box marking at the frontage of the Petrol Filling Station and a Traffic and Delivery Management Plan are recommended.

Head of Street Scene (Drainage) - The Land Drainage Section raises no objection subject to condition.

Group Manager Public Protection - The Public Protection Department raises no objection to the proposed development on the basis that the noise report, which accompanied the submission, identified that there would be no significant noise impact.

Natural Resources Wales - NRW offers no objection to the application and requests that pollution prevention guidance is forwarded to the developer in the event that the Authority is minded to approve the proposed development.

Network Rail (Western Region) - Network Rail raises no objection in principle to the proposal but provides safety and operational guidance on developing adjacent to railway lines.

REPRESENTATIONS RECEIVED

The occupier of 22 Coychurch Road Gardens' objections can be summarised as follows:

- Unmanned fuel station that is close to residential properties is a purely commercial consideration with absolutely no consideration to safety of the residents.
- There is some sort of prohibition on 24 hour trading on this site. This development is less than 50metres from my bedroom and the thought of 24hour disruption is wholly unacceptable.
- The Asda viability/ occupancy study for the carpark was taken on one of the quietest trading times during the year. There has been no mention of the grid lock in & out of the site. Current traffic problems causes complete chaos.
- Site servicing arrangements will be the same as standard petrol filling stations within 40m of residences.
- There are already 5 fuel stations within the vicinity of the site.
- Fuel stations are messy places with oil and fuel contaminates to the detriment of neighbouring residential properties.
- Ground water pollution in respect of rain water run off.
- Light pollution in addition to the main ASDA store.
- Noise pollution so close to homes.
- This is not a suitable site, as there are better options elsewhere.

The occupier of 23 Coychurch Road Gardens' objections are summarised as follows:

- There are already many petrol stations in Bridgend.
- Traffic build-up in, out and around Asda is already a nightmare at certain times of the day and weekends.
- There should be another exit from the store at the other end of the car park onto the Cheapside road to alleviate the traffic build up.
- Badly sequenced traffic light system between ASDA and Tremains Road.
- Spillages will not be cleaned up promptly or even at all causing contamination to the area.
- Light pollution at night.
- Extra fumes from cars queuing to get to the petrol pumps.

COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in response to the objections raised by the Town Council and local residents:-

Commercial decision by ASDA - Whilst this comment is noted it is not a material planning consideration.

Opening Hours - Residents believe that the facility will open on a 24 hour basis but the application has not specified opening hours. This issue can be controlled by condition.

Parking Survey - Objectors consider that the results of the parking survey to be flawed having been undertaken at a relatively quiet time of year in trading terms. This concern is partially shared by the Highways Department which has highlighted that the car park has a dual function of serving both the Superstore and the Town Centre. The applicants submitted supplementary parking data and whilst this did not assess the quantity of parking occurring at the site connected to visits to the adjacent Town Centre, it demonstrated that there is sufficient capacity.

Traffic Congestion - Residents have expressed concern regarding access arrangements and the impact both inside the site and on the highway network. There has been prolonged discussion between the applicant's consultants and the Highways Department with the submission of additional information that assesses the impact of the development on the junctions on the Coychurch Road serving the site. The Highways Department are satisfied that re-phasing of the traffic signals at the site entrance with those at the adjacent Coychurch Road/Tremains Road would bring improvement to the existing situation, which would lessen the impact of the development.

Delivery Tankers - Objectors consider that delivery tankers will exacerbate congestion problems in this part of the site. The applicant has highlighted that the facility has been designed to allow delivery tankers to turn.

Internal Layout - Concerns relate to the internal access arrangements into the Petrol Filling Station, particularly the right turn holding lane which could become blocked at peak hours causing tail backs on the access road. An appropriately worded condition requiring yellow box junction type road markings could be imposed to overcome this issue.

Proximity to dwellings - The entrance to the proposed facility will be located approximately 22m away from the rear boundaries of the properties in Coychurch Road Gardens, which currently benefits from some screening provided by shrubs and tree planting on the ASDA side of the boundary. The application has been accompanied by a Noise Survey, which the Public Protection Department has assessed. This report identifies that there will be no significant impact on residents in terms of noise from the facility itself. Subject to the imposition of appropriate conditions to control opening hours to coincide with the opening hours of the store, it is considered that the impact on the residential amenity of occupiers of these nearest dwellings would not so significantly exacerbate the existing conditions as to warrant refusal.

Competition - It has been highlighted that there are already a number of petrol filling stations in the vicinity of the site and therefore the proposed development is not required. Retail competition is not a material planning consideration

Fear of Spills & Pollution - Notwithstanding the concerns expressed by local residents, Natural Resources Wales has raised no objection to the scheme but has provided pollution prevention guidance for the developer's information and consideration.

Contamination - Residents' concerns relate to the potential contamination emanating from surface water run off from the site. A condition requiring a comprehensive drainage scheme incorporating appropriate interceptors could address this issue.

Light Pollution - Concerns regarding light pollution are noted but in addition to controlling opening hours, a condition could require the switching off of lighting at the facility to address this matter.

Noise - The Public Protection Department is satisfied that the noise survey which accompanies the submission demonstrates that the impact will not be so significant as to warrant refusal for this reason.

Economic Benefit - As a unmanned facility, objectors highlight that the proposed development will have little economic benefit other than to the operator. It is acknowledged that the proposed development will not create any employment opportunities.

APPRAISAL

The application is referred to Committee to consider the objections raised by the Town Council and local residents in respect of the proposed development.

Both Ward Members have submitted observations supporting the application in anticipation of the matter being referred to Committee for determination with an unfavourable recommendation. One Ward Member considers that the facility will provide cheaper prices for customers and increased employment. Given that the facility is completely automated, as indicated above, it is again highlighted that there will be no additional jobs created by the development and the pricing of the fuel is not a material planning consideration.

The other Ward Member has also requested that the application be referred to Committee and has identified a number of reasons for supporting the proposed development. A number of these reasons relate to the principle of retailing fuel from the site, pricing and competition. For the reasons outlined in the following paragraphs, it is considered that the principle of retailing this product from the site is not contrary to development plan policy and pricing and competition are not material planning issues. With regard to the assertion that the infrastructure is sound and that the development would be highly unlikely to cause long queues for petrol due to the proximity of other petrol stations, there has been prolonged negotiation with the applicants and their consultants with the provision of significant amounts of additional information to demonstrate the potential impact of the proposals on the surrounding highway network. The Highways Department is, therefore, now in a position to favourably recommend the scheme subject to the proposed Section 106 Agreement to secure a financial contribution to the rephasing of the traffic signals at the site entrance and the nearby junction together with conditions. The likelihood that petrol customers would visit other petrol filling stations rather than queue at the site is a subjective view and cannot be quantified.

The application seeks consent for the introduction of an unmanned petrol filling station with associated infrastructure into the car park of the existing ASDA superstore off Coychurch Road, Bridgend.

Policy SP10 of the Bridgend Local Development Plan directs new retail, office, other commercial, leisure and appropriate employment developments to be focused according to a hierarchy of retailing and commercial centres within the County Borough. In this regard the application site lies within the curtilage of the existing ASDA superstore, which was allocated as a retailing and commercial centre by Policy REG9(1) of the Bridgend Local Development Plan (LDP). In principle, therefore, the proposed development would be compatible with these policies.

In terms of its detail and design, the application falls to be assessed against Policy SP2, which requires all development to contribute to creating high quality, attractive, sustainable places, which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. This Policy establishes fifteen criteria against which development proposals are assessed and in this case it is considered that criteria 1,2,3,4,5,6,8,12 & 13 are relevant to the proposed development. In terms of its design, it is considered that the proposed facility will reflect the character of the existing ASDA superstore. Insofar as the proposed development will be a relatively modest scale when compared to the existing superstore and will occupy previously developed land, it could be considered to be compatible with the first five criteria of the Policy.

Criterion 6 requires development proposals to provide good linkages within and outside the site to ensure efficient access. For the reasons outlined in the revised observations received from the Highways Department, it is now considered that the impact of the proposed development on highway capacity and safety considerations will not be so significant as to warrant refusal of the scheme and therefore, subject to a Section 106 Agreement and conditions, the scheme is considered compatible with this criterion.

Criterion 8 requires proposals to avoid or minimise noise, air, soil and water pollution. Public Protection and Natural Resources Wales are satisfied that the proposed development will not generate increased noise nuisance to existing residents nor providing, appropriate pollution prevention methods are implemented, will pollution of the soil or drainage system occur. As indicated in the previous section of the report providing comments on representations received, a condition tying the operation of the petrol filling station to the opening hours of the store itself together with the turning off of the lighting system will overcome any light pollution issues. Similarly a condition requiring the submission of details of a comprehensive and integrated drainage scheme can ensure that appropriate arrangements are made for the disposal of waste and surface water from the development thereby satisfying criterion 13. Criterion 12 seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected and it is considered that for all the reasons outlined above, the impact on the existing residents in Coychurch Road Gardens will not be so significantly exacerbated from the current situation as to warrant refusal.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPA's to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site on a previously developed site, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies."

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.”

Whilst determining this application Policies SP10, REG9, SP2, SP3 & PLA5 of the Bridgend Local Development Plan were considered.

CONCLUSION

This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

RECOMMENDATION

(R34) (A) The applicant enter into a Section 106 Agreement to provide a financial contribution of £24,000.00 to the re-phasing of the traffic signals at the site entrance (Asda/Coychurch Road) and the adjacent Coychurch Road/Tremains Road junctions so that they coincide with each other.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement as follows:-

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers (PA)01 Rev A, (PA)03 Rev A, (PA)04 Rev A, (PA)05 Rev A, (PA)07 Rev A and (PA)09

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Notwithstanding the approved plans, no development shall commence until a scheme for the provision of a revised right turn holding lane and yellow box marking at the frontage of the petrol filling station, hereby approved, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the road markings shall be clearly demarcated in permanent materials in accordance with the agreed scheme prior to the development being brought into beneficial use and so retained in perpetuity.

Reason: In the interests of highway safety.

3. No development shall commence on site until a scheme for the provision of a Traffic and Delivery Management Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicle movements to the filling station shall be made in accordance with the agreed Traffic and Delivery Management Plan once the development is brought into beneficial use and thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

4. No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority a Construction Method Statement. The Method Statement shall include:-

- i. The parking of vehicles of site operatives and visitors;
- ii The storage, loading and unloading of plant and materials used in constructing the development;
- iii Measures to control vehicles and pedestrians visiting the site during the construction phase;
- iv Measures to control the emission of dust and dirt during construction.

The construction works shall thereafter be undertaken in accordance with the agreed Method Statement.

Reason: In the interests of highway safety.

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason: To ensure the provision of effective drainage facilities to serve the development and that flood risk is not increased.

6. The Petrol Filling Station shall not be open for sales between 00.00hours and 07.00 hours.

Reason: In the interests of safeguarding the residential amenities of nearby dwellings.

7. There shall be no deliveries to the Petrol Filling Station between 00.00hours and 07.00hours.

Reason: In the interests of safeguarding the residential amenities of nearby dwellings

8. Any lighting columns and illuminated signage connected with the operation of the Petrol Filling Station shall be switched off a maximum of fifteen minutes after closing and only switched on a maximum of fifteen minutes before opening.

Reason: To prevent light pollution in the interests of residential amenity.

9. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme. The agreed landscaping works shall be carried out prior to the development being brought into beneficial use or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the landscape areas, shall be submitted to and agreed by the Local Planning Authority prior to the development being brought into beneficial use. The landscape management plan shall be carried out as agreed.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

11. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect highway safety or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

(b) To satisfy condition 5 (drainage), the following supplementary information will be required:-

- i Drainage plans for the development including foul and surface water drainage details;
- ii Details of the oil interceptor proposed;
- iii Confirmation of the acceptability of the proposed drainage connecting/discharging into the public sewerage system from Dwr Cymru/Welsh Water.

(c) The observations received from Natural Resources Wales in respect of pollution prevention are attached for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None