

REFERENCE: P/17/486/FUL

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

LOCATION: **Asda Bridgend Superstore Coychurch Road Bridgend CF31 3AS**

PROPOSAL: Change of use of part of store car park to a filling station and associated infrastructure

RECEIVED: 6 June 2017

APPLICATION/SITE DESCRIPTION

The application proposes revisions to a previously approved automated Petrol Filling Station, which is to be sited in the south eastern section of the Asda Superstore, to introduce a drive to pay kiosk. The scheme retains the four dispensers/pumps with hose delivery to both sides thereby providing 8 filling positions under a canopy but the introduction of the pay kiosk, which will serve four of the filling positions only, has resulted in changes to the layout of the facility from that previously approved under reference P/16/138/FUL.

The amendments include the provision of a concrete central island to separate the drive to pay and pay at the pump filling positions, enlargement of the canopy, relocation of the underground storage tanks to the eastern side of the facility and revision of the control room housing which is to be retained on the northern side of the pumps. Refuse bins, air and water, lighting columns and CCTV will be located around the perimeter of the facility in similar positions to the previously approved scheme. The kiosk building will be sited to the east of the petrol pumps and will measure 2.8m by 2.7m with a virtually flat roof reaching 3.25m. The kiosk will contain a toilet and welfare area for staff only together with a single pay position. Externally, the kiosk is to be clad with powder coated aluminium cladding mainly in anthracite grey but with a green band around the payment window, the elevation facing the pumps and around the upper section of southern staff entrance elevation.

As with the previous application, 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 uphold the one way system but the facility has been designed to 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

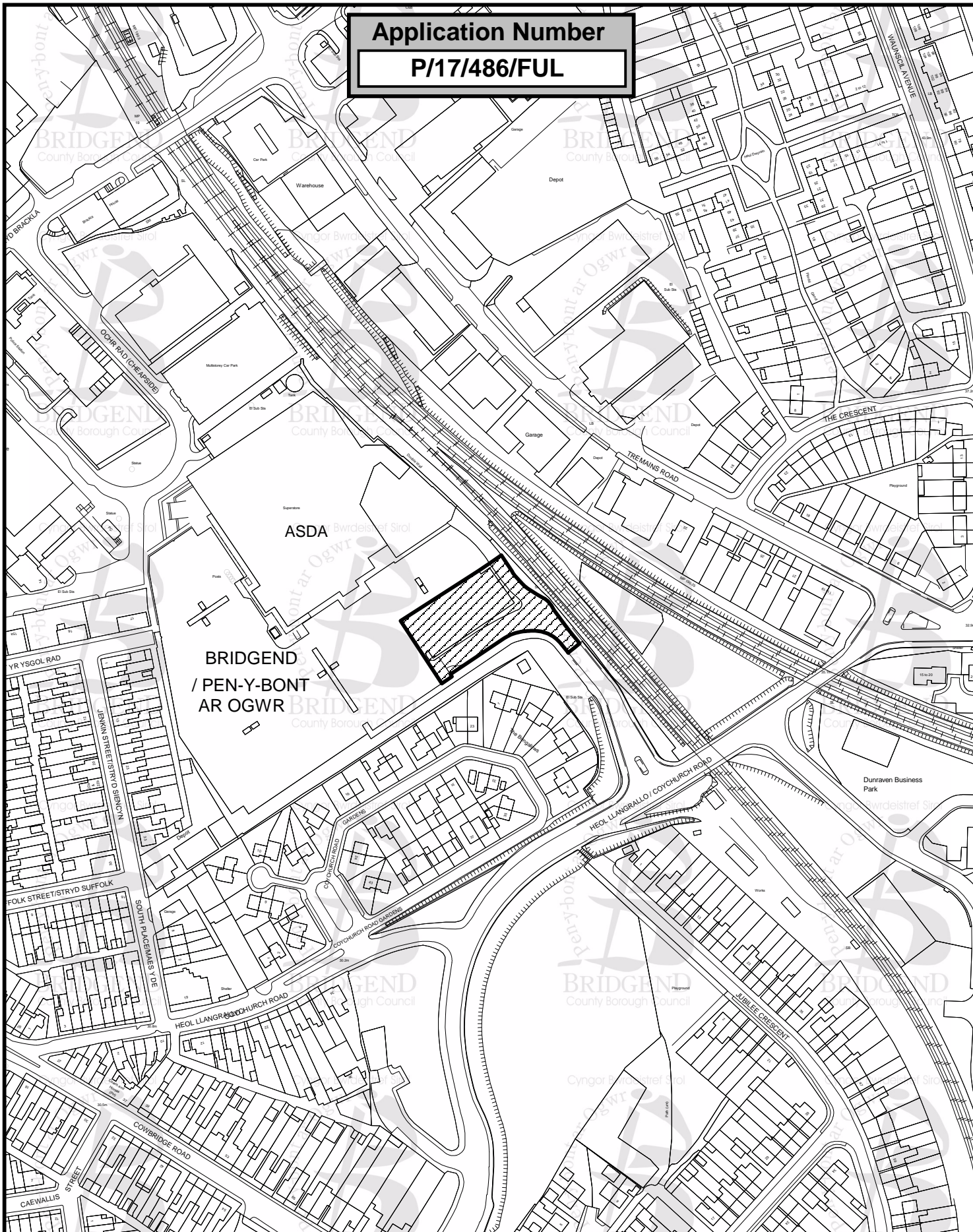
P/02/967/OUT - 8680 sq.m. retail store, car park and link road - Conditional Consent - 24/02/04

P/05/1284/RES - Erection of A1 Retail Store, car park and link road - Conditional consent - 20/01/06

P/07/274/FUL - Revision to Store design - Conditional consent - 16/07/07

Application Number

P/17/486/FUL



Scale 1:2,500

Date Issued:
01/11/2017

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



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 and Collect Canopy - Conditional consent - 04/06/15

P/16/138/FUL - Automated petrol filling station & associated infrastructure - Conditional consent - 25/05/17

PUBLICITY

The application has been advertised on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 6 July 2017.

CONSULTATION RESPONSES

Public Protection - No objection subject to a condition limiting opening hours.

Natural Resources Wales - No comments to make

Head of Street Scene (Highways) - No objection subject to conditions.

Head of Street Scene (Drainage) - No objection subject to condition.

Bridgend Town Council - Objects to the application on the grounds of loss of necessary parking spaces and inadequate access from the Cowbridge/Coychurch Link Road which is already over congested at peak periods.

Councillor M C Voisey - Requests that the application is referred to Committee as the removal of car parking spaces will have an impact on highways and local residents.

REPRESENTATIONS RECEIVED

21 Coychurch Road Gardens - Expresses the following concerns:-

1. A number of parking spaces will be taken away to enable the works. The store has busy periods throughout the year and at weekends when the car park is full.
2. Linked to this is the volume of traffic which forms substantial queues for both incoming and outgoing vehicles at the site entrance.
3. Traffic congestion resulting from the above causes significant problems for residents entering and leaving Coychurch Road Gardens.
4. Increase in noise levels that will affect local residents due to the close proximity of the Petrol Station to residential properties.

22 Coychurch Road Gardens - Objects for the following reasons:-

1. Consultation process is flawed and does not account for the ability of residents to understand and respond.

2. Already experience considerable noise nuisance from delivery lorries not using the unloading area properly and are contrary to existing planning conditions.
3. No confidence in light of above that Asda will comply with any conditions imposed.
4. Consistently do not control the car park as skate boarders frequently use the surface and the lighting.
5. Noise impact from car stereos etc and this will be exacerbated.
6. Dispute relevance of car park survey times as consider the period studied is during a quiet trading period.
6. Increased pollution from idling engines causes significant health issues.
7. Poor site security and management at the site cause many issues to adjoining residents.

23 Coychurch Road Gardens - Objects to the application for the following reasons:-

1. Already sufficient petrol filling stations in Bridgend.
2. Development will increase noise and air pollution.
3. Traffic congestion on both internal road system and external approach roads.
4. Concerned that spillages will not be promptly cleaned.
5. Fire Hazards increased.
6. Already experience disturbance from deliveries to the store.

COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in respect to the objections raised by the Ward Member, Town Council and local residents:-

Loss of parking spaces - The Highways Department notes that the current proposal will reduce the existing car park by 47 spaces. This is 7 spaces more than would have been lost by the previous proposal and thereby increases the loss of parking from 9% to 10.3%. The impact of this loss has been queried and evidence supplied by the applicant in the form of a parking survey, which indicates that even on the busiest of the survey period times there would be 15 available spaces. It should be appreciated that the Asda car park provides in excess of the required parking quantum for the store as there was an element of replacement parking provided for the loss of the former multi-storey car park on the site. Given the car parking is free to use, it obviously makes it more attractive to patrons of the town centre although alternative car parks are available at times of peak demand.

Adequacy of Access & Traffic Congestion - The impact of the development on the junctions on the Coychurch Road Link Road serving the site was considered as part of the earlier application and the current proposal is not considered to generate any additional traffic over and above that previously accepted. It was previously considered appropriate to request a financial contribution for works to the signals at the site entrance and the adjacent Coychurch Road/Tremains Road signals so that they are phased to coincide.

Such works would improve the existing situation which could lessen the impact of the development.

Hours of Operation - Residents believe that the facility will open on a 24 hour basis but the application has not identified specific opening hours. It is considered that the imposition of an appropriate condition can control this issue and thereby mitigate adverse impacts on residential amenity, particularly late at night.

Parking Survey - Notwithstanding the objector's belief that the parking survey is flawed due to having been undertaken at a relatively quiet time of year in trading terms, the Highways Department is satisfied that the survey demonstrates that there is sufficient capacity.

Noise Nuisance & Proximity to dwellings - The entrance to the proposed petrol filling station remains 22m away from the rear boundaries of the properties in Coychurch Road Gardens. This boundary already benefits from some screening provided by shrubs and tree planting on the Asda side of the boundary. The submission has been accompanied by a Noise Survey, which has been considered by the Public Protection Department. 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 a condition to control the operating hours to coincide with the opening hours of the store, it is considered that the impact on the residential amenities of these nearest dwellings will not be so significantly different to the existing conditions as to warrant refusal for this reason.

Competition - It has been highlighted that there are already a number of petrol filling stations in the vicinity of the site and therefore that the proposed development is not required. Competition between retailers is not a material planning consideration and the principle of a new petrol filling station at this location has already been established.

Light Pollution - Residents' comments regarding light pollution are noted and, in addition to the condition controlling operating hours, a separate condition requiring control of the lighting at the petrol filling station should mitigate any adverse impact on residents' amenities.

Fears of Spills & Pollution - Natural Resources Wales has no comment to make in respect of the proposed development but pollution prevention guidance provided in respect of the earlier application can be forwarded to the developer for information and consideration.

Asda's Operations at the site - Whilst one objector considers the security and management of the existing site is poor and reliant on local residents to report issues rather than being actively managed, this would be a matter for Asda to manage and is not a planning issue.

Non compliance with conditions - The Local Planning Authority is not aware of any current breaches of planning control at the store.

Consultation - One resident considers the publicity and consultation procedures followed in respect of planning applications to be flawed on the basis that it does not take into consideration the capabilities of recipients. Publicity for the application has followed regulations set out in the Town and Country Planning (Development Management Procedure) Order. In addition to the site notices which seek to advise a wider public audience of the application, the individual letters to local residents contain contact details for case officers should assistance be required.

APPRAISAL

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

As indicated in the description of the development, the application seeks consent to amend the design and layout of the previously approved petrol filling station together with its associated infrastructure in the car park of the existing Asda Superstore, off Coychurch Road, Bridgend.

In terms of development plan policy, Policy SP10 of the Bridgend Local Development Plan (LDP) directs new retail, office, other commercial, leisure and appropriate employment developments to be focused according to the hierarchy of retailing and commercial centres within the County Borough. As a development within the curtilage of the existing superstore, which was allocated as a retailing and commercial centre by Policy REG9(1) of the LDP, the development of the petrol filling station was considered compatible with these policies. On the basis that this submission is simply a revision to the layout of the facility, it is also considered to be compatible with these policies.

In terms of its detail and design, the application falls to be assessed against Policy SP2 of the LDP, 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 again considered that criteria 1,2,3,4,5,6,8,12 & 13 are relevant to the proposed development.

Whilst the petrol filling station, as now proposed, occupies a slightly larger area than that previously approved facility due to the incorporation of a drive to pay kiosk, with a concrete central island to separate the drive to pay and pay at the pump filling positions, and the enlargement of the canopy, together with the relocation of some of the associated infrastructure, it is still considered to reflect the character of the existing Superstore. Insofar as the proposed development will be subordinate and relatively modest in scale, when compared to the existing superstore, and occupies previously developed land it could be considered to be compatible with criteria 1,2,3,4 & 5 of the Policy.

Criterion 6 requires development proposals to provide good linkages within and outside the site to ensure efficient access. The Highways Department notes that this application largely mimics the earlier proposal granted under reference P/16/138/FUL albeit including a drive to pay kiosk. The kiosk will only be sufficient in size for Asda staff with an ancillary welfare area and will not be large enough for customers to enter to purchase items. A condition controlling this element is recommended. With regard to parking, the current proposal will reduce the existing car park by 47 spaces, which would be 7 more than would have been lost by the previous consent scheme and therefore increases the loss of parking from 9% to 10.3%. The applicant has provided a parking survey, which demonstrates that even on the busiest of the survey period times, there would be 15 spaces available after the proposed reduction in parking. It is highlighted that the existing car park provides in excess of the quantum of parking required to meet the Authority's adopted standards for the store alone as it incorporates an element of replacement parking to compensate for the loss of the former multi-storey car park previously on the site. Whilst it is appreciated that, due to the lack of charges, the car park is more attractive to patrons of the town centre, there are alternative car parks available at times of peak demand including the Rhiw, which is currently allowing a period of up to 2 hours free parking.

The impact of the development on the junctions on the Coychurch Road link serving the site was considered as part of the earlier application and the current proposal is not considered to generate any additional traffic over and above that previously accepted. It was previously considered appropriate to request a financial contribution for works to the signals at the site entrance (Asda/Coychurch Road) and the adjacent Coychurch Road/Tremains Road signals such that they are redesigned and phased together. Such works could improve the existing situation, which would mitigate any impacts from the development. The cost of these works has been estimated at a slightly increased cost of £26,400 (including design) and this amount should be sought via a Section 106 Agreement. It is therefore considered that, subject to the Section 106 Agreement and appropriately worded conditions, the proposed development would satisfy the requirements of criterion 6.

Criterion 8 requires proposals to avoid or minimise noise, air, soil and water pollution. The Public Protection Team considers that subject to a condition controlling the operating hours of the facility, the proposed development will not generate increased noise nuisance to existing residents. Previously Natural Resources Wales were satisfied that the submitted proposals will not result in pollution of the soil or drainage system provided that appropriate prevention methods are implemented. In addition to a proposed condition to control the operating hours of the facility so that it coincides with the store's opening hours, a requirement to turn off the lighting system will address concerns in respect of light pollution. Similarly a condition requiring 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 of the Policy seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. Impacts on the residential amenities of neighbouring residents from noise, lighting and pollution have been addressed earlier in this Appraisal and the preceding section providing comments on representations received. It is considered that, subject to the imposition of appropriately worded conditions, the impact on the existing residents in Coychurch Road Gardens will not be so significantly different from the existing situation as to warrant refusal of this application, particularly given that Asda could implement the earlier approved scheme in respect of the fully automated petrol filling station at any time if they so wished.

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 LPAs 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 previously developed land, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. 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 and 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 £26,400.00 (index linked) 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 delegated 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 DTP_PA_01 Rev B, 03 Rev B, 04 Rev B, 05, 06, 07, 08 & 09.

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

2. The scheme of revised site access and road markings shown on Proposed Site Plan Drawing DTP_PA_03 Rev B shall be completed and clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such 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 at all times thereafter.

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 pedestrian 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 foul, road and roof/yard water will be dealt with including any future maintenance requirements has been submitted to and agreed in writing by the Local Planning Authority. The drainage scheme 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, to prevent pollution and that floor risk is not increased.

6. The Petrol Filling Station shall not be open for sales between 00:00 hours 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 00:00 hours and 07:00 hours.

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. * 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 or discharging into the public sewerage system from Dwr Cymru/Welsh Water.

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

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES
Background Papers : None