

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0478/FULL 23.05.2018	Motor Fuel Group Building 2 Abbey View Everard Close St Albans AL1 2QU	Erect sales building extension with new Subway store and associated parking (Revised traffic route throughout site to include a one-way system serving 12 new parking spaces & deliveries. Kerb and barrier adjacent to offset fills removed and cut back to improve site circulation) Texaco Mabon Filling Station Heol Mafon Nelson Treharris CF46 6PE

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Mafon Road, Nelson.

Site description: The application property is an established petrol filling station situated adjacent to the A472. The site comprises of a recently re-built kiosk/shop building with a large canopy over the filling pump area. There is direct access into the site from the A472 with a small parking area to the south of the canopy and a further small parking area to the rear (west) of the store. Access to both of the parking areas and to the delivery parking space to the side (south) of the shop is through the filling pump area under the canopy. There is a culverted watercourse that enters the site in its north west corner.

To the east of the site is the Co-Op store with the car park for that building to the south of the site. The A472 is to the north of the site with a tyre fitting business on the northern side of the road and dwellings to the north of that. There is open countryside to the west of the site.

Development: The application seeks full planning consent for the erection of an extension to the shop together with internal alterations in order to create an A1 franchise outlet and associated parking. There would be a revised traffic route throughout site to include a one-way system serving 12 new parking spaces and deliveries. Kerb and barrier adjacent to offset fills would be removed and cut back to improve site circulation.

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The extension will be located to the rear (west) of the shop and will provide a food cooking and preparation area with part of the existing shop floor space being given over to a seating area. The proposal will lead to a reduction in the amount of retail floor space for the filling station. A separate access to the Subway from the larger parking area at the rear is proposed but there will still be access through the petrol filling station.

In order to accommodate the rear extension the existing jet wash is to be removed.

Dimensions: The extension measures 3.914 metres in width, 10.239 metres in depth and 3.5 metres to ridge height.

Materials: To match the host building.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

P/06/0694 - Erect extension to existing forecourt shop, plant room and bin store - Granted 08.03.07.

08/0166/ADV - Install illuminated shop fascia sign - Granted 28.03.08.

08/0371/FULL -Erect new shop building, pump islands, canopy extension and jet wash - Granted 29.05.08.

08/0427/ADV - Erect forecourt canopy illuminated fascia sign and 6m illuminated pole sign - Granted 09.06.08.

18/0261/FULL - Erect sales building extension for a new Subway store and relocate jet wash facility to replace the existing - Refused 14.05.18.

POLICY

Local Development Plan: The site is located within settlement limits.

Policies SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

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National Policy: Paragraph 4.11.9 of Planning Policy Wales states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area where no coal mining report is required, however standing advice will be provided.

CONSULTATION

Transportation Engineering Manager - Raises objection to the application on the basis of traffic congestion on the A472 as a result of increased dwell times on the garage forecourt.

Ecologist - No objection subject to ecological enhancements.

Senior Engineer (Land Drainage) - No objection.

Head Of Public Protection - Would recommend the introduction of hours of operation be applied to the Subway element of the proposal.

Dwr Cymru - Provides advice to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and four neighbours were notified by letter.

Response: Objections were received from the Community Council.

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Summary of observations:

1. Increased traffic flow.
2. Opening hours and anti-social behaviour, and
3. Parking.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? Yes the development is CIL Liable as the development proposes an A1 use whereby the charge is set at £100 per square metre, plus indexing.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. This application seeks consent for an extension to an existing petrol filling station on the edge of the settlement of Nelson and immediately adjacent to an existing supermarket. In that regard the principle of the development is considered to be acceptable in this location.

Given the site's location adjacent to the A472 the main issue to consider in the determination of this application is whether the proposal is acceptable in terms of highway safety. A previous application for an extension to the filling station was refused on highways grounds as it was considered that there was insufficient parking within the site, insufficient circulation space within the site, and that there would be conflict in terms of the aforementioned in respect of petrol customers and Subway customers.

This application seeks to overcome those concerns and the applicant has submitted a scheme with significant changes from the previous proposal. The existing offset fills (where fuel is delivered to the site by tankers) are situated on a raised island to the south of the forecourt with the pipes and meters located above ground. The latest proposal seeks to bury these under ground such that vehicles will be able to drive over them to access the parking spaces at the rear of the building. Additional parking has also been provided in the southern part of the site increasing the number of parking spaces to 12. It is considered that this has adequately addressed those areas of concern.

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However, the fact still remains that some customers of the petrol filling station are likely to park their vehicles on the forecourt after purchasing petrol and leave them there whilst they purchase food from the Subway outlet and pay for their fuel. There is also the likelihood that customers of the Subway outlet will park on the forecourt to carry out their purchase even when they are not purchasing fuel. These instances are likely to lead to significant increases in dwell time on the forecourt thereby causing congestion in and around the site and would lead to vehicles queuing onto the A472. As stated above the site is located on the A472 which is identified in the LDP as being a part of the Strategic Highway Network. In that regard the free movement of traffic on this main arterial route is of paramount importance, and any proposal that would lead to congestion on this route will be unacceptable. In that regard it is considered that the proposal fails to comply with Policy CW3 of the Caerphilly County Borough Local Development Plan in that it does not have regard for the safe, effective and efficient use of the transportation network.

The proposed development would encourage customers of the Subway store to leave their vehicles at the petrol pumps for the duration of their stay, by virtue of their ability to access the Subway store via the existing Texaco/Londis store. Given the expected dwell time of the Subway customers, and the existing high level of petrol sales within the site, this would lead to vehicles queuing onto the A472/Mafon Road, interrupting the free-flow of traffic in the vicinity, to the detriment of highway safety. Parking is provided to the rear of the premises, but it would not be immediately apparent to prospective customers.

Whilst the applicant has provided a separate access for the Subway unit at the rear of the building adjacent to the parking spaces and has also offered to provide on-site signage, it is not felt that this would adequately address the issues discussed above.

Comments from Consultees: The council's ecologist has requested the imposition of biodiversity enhancement conditions within the site. While this is desirable, in view of the scale of the development, it is considered that such conditions would not meet the tests identified in Welsh Government Circular WGC 016/2014 in that it is not necessary in planning terms for the development to proceed.

The concerns of the Community Council are addressed as follows:-

1. As discussed above, it is considered that the increased vehicular movements and congestion caused by this proposal would be unacceptable in highway safety terms.
2. In that the Subway outlet would be attached to an existing A1 use that has no hours of operation attached to it, it is considered that it would be unreasonable to impose such conditions to this application. Moreover, there is no evidence to suggest that Subway outlets in general attract any anti-social behaviour and given the location of this outlet on the edge of the settlement it is considered that such activity would not be likely in this instance.
3. As discussed above it is considered that adequate levels of parking have been provided, notwithstanding the congestion issues also discussed.

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Comments from public: None.

Other material considerations: None.

In conclusion it is considered that the proposal is unacceptable in planning terms for the reason stated above.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposal fails to comply with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 in that it does not have regard for the safe, effective and efficient use of the transportation network in that appropriate parking and operational space has not been provided, which would lead to vehicles queuing onto the A472 to the detriment of highway safety.
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