

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0066/FULL 22.02.2016	Asda Stores Ltd Mr P Johnson Asda House Southbank Great Wilson Street Leeds LS11 5AD	Construct an automated petrol filling station Asda Cliff Road Blackwood NP12 0NT

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is an area used as the northern part of the Asda supermarket car park in Blackwood.

Site description: The site is currently part of a car park serving a supermarket.

Development: Petrol Filling Station (PFS).

Dimensions: The application site is approximately 1500 square metres in size of which approximately half is to be utilized as the canopy covered filling area. There is what is described as a "control room" set to one side of the forecourt but it is very small structure with little room inside. Two underground tanks of 75,000 ltrs are situated to one side of the canopy.

Materials: The proposed PFS is principally comprised (above ground) of a canopy (steel) with deliver pumps below (4 in number with 8 fill positions). There is no pay kiosk as the pumps are fully automated. The "control room" is glass reinforced plastic box with a single door in one side and emergency equipment on another.

Ancillary development, e.g. parking: The creation of a feeder lane (within the site) into the PFS, lighting columns and various minor pieces of PFS equipment.

PLANNING HISTORY 2005 TO PRESENT

07/0646/ADV - Erect externally illuminated 1900mm, 3000mm, 1500mm and 1900mm diameter applied vinyl disc signs, 1200mm high slat box for existing feature sign, 740mm diameter internally illuminated disc sign and 1400 x 1100 applied vinyl opening hours sign, all static illuminated, 1000 candela max - Granted 05.07.07.

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Application No. 16/0066/FULL Continued

11/0234/FULL - Relocate existing service yard chiller and freezer and erect new canopy over chiller and freezer to provide dedicated home shop loading area to improve pedestrian and vehicle segregation within the service yard - Granted 20.05.11.

11/0369/ADV - Erect signage - Granted 04.07.11.

11/0425/ADV - Erect parking terms and conditions signage - Granted 28.07.11.

12/0242/ADV - Erect car park banner signage - Granted 15.05.12.

13/0331/ADV - Erect various signage - Granted 03.07.13.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the Principal Town Centre Boundary of Blackwood defined by Policy CM1.2.

Policies:

CM1 (Principal Town Centre Boundaries), CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales (Edition 8, 2016).

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? - Yes.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions including contamination testing, hours of operation and waste storage.

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Application No. 16/0066/FULL Continued

Senior Engineer (Land Drainage) - No objections subject to the satisfactory drainage of the site.

Dwr Cymru - No objection and drainage advice is provided.

Natural Resources Wales - It initially has been explained that insufficient information has been received and a holding objection has been issued. Additional information has been requested, received and is under consideration.

The Coal Authority - No objection subject to a ground investigation condition.

Public Health Wales - No objection. Advice is provided regarding environmental permitting.

ADVERTISEMENT

The application has been advertised on site and 14 neighbouring properties have been consulted.

Response: No response has been received.

Summary of observations: None.

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?

It is not considered that the proposed development will have a material effect on crime and disorder.

Is this development Community Infrastructure Levy liable? This proposal does not create any floorspace and so it is not CIL liable.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

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ANALYSIS

Policies: The site is within the Principal Town Centre Boundary of Blackwood (CM1.2) and is therefore an area into which retail use is positively supported. The application site is a functional supermarket built approximately 14 years ago. This application seeks to utilise part of the car park as an automated four-pump petrol filling station (PFS). To accommodate the proposed PFS, the supermarket plan to reconfigure the internal arrangement of the car park with the removal of 47 parking spaces from the northern area of the car park. The reconfiguration will reduce the number of parking spaces from 383 to 336.

It is known that in its early days the supermarket was trading so well it was often difficult to find a parking space. Whilst a lack of parking can give rise to on-street parking issues those early days were not a significant problem within the town other than to the supermarket itself. The drawing in of a large number of shoppers was viewed at that time as a benefit to the vitality and viability of the town. Such a retail draw within the Principle Town Centre would be in accordance with policy CM1 that explains that the purpose of identifying town centres "is geared toward maintaining and enhancing this improvement in their status, vitality and viability". Notwithstanding those early days of parking shortage, the application is supported by a parking study that suggests that in view of the number of parking spaces currently available today the car park is not operating to full capacity. Officers have visited the site during peak hours on Friday, Saturday and Sunday; it does appear that there is now a capacity in the car park that did not exist in the past. The spare capacity counted by officers during those peak hours ranges from 39 to 178 spaces. The figures provided by the applicant's study suggest a range of between 72 to 173 for the same peak periods. Given that the peak hours represent only a very small portion of the opening times, the car park should therefore have more than adequate capacity most of the time.

CW2 (Amenity) requires that development should not have an unacceptable impact on the amenity of adjacent properties or land. Petrol filling stations do have the propensity to cause disturbance in residential areas, this site is though in the middle of a retail park where such uses are more acceptable.

CW3 (Design Considerations - Highways) requires that adequate parking provision should be provided. The car parking provision in this case may not meet the Adopted Wales Parking Standards, however as explained above there is adequate capacity in which case maintaining a higher standard than is needed cannot be justified. It should also be borne in mind that such standards are now maximum requirements. The store is also in a location where overspill is unlikely to be an issue, i.e. parking in nearby residential streets will not occur.

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Application No. 16/0066/FULL Continued

Comments from Consultees:

No objection has been received from Transportation Engineering Manager, Dwr Cymru/Welsh Water, Head Of Public Protection, The Coal Authority and Public Health Wales. Where the consultees have recommended conditions they are attached in the recommendation below.

Natural Resources Wales (NRW) have raised an objection on the basis of insufficient information with regard to the contamination at the site. The applicant has provided additional information, which at the time of writing this report has been forwarded to NRW for their consideration.

The Head Of Public protection has recommended a number of conditions:

A condition is recommended to limit the hours of opening of the PFS. The store is open 24/7, thus hours of operation would not serve any significant purpose. A similar condition is recommended to limit hours of delivery to the PFS. It is the case that the loading area, which is part of the supermarket site is subject to limited hours due to its close proximity with residential flats. The proposed PFS is further away, situated at the entrance to the 24/7 car park where limited hours would again have no significant impact. Thus these conditions would not be reasonably necessary with regard to the proposed development.

A condition relating to storage, collection and disposal of commercial waste is recommended, however given that the proposed development is a four pump automated PFS, significant quantities of commercial waste are unlikely and thus the condition would not be relevant to the proposed development.

A condition requiring a noise suppression scheme regarding the construction of roads, drainage, or buildings is recommended. Given that this is a petrol filling station in a 24/7 car park this condition may not be considered appropriate in its suggested form. It is more appropriate to the proposed development to limit the hours of construction to avoid the late night hours for the construction period. A similar condition is recommended to require a dust suppression scheme, however for such a small project in a non-residential area this may not be considered necessary.

A condition requiring a contamination/ground investigation scheme is recommended in the interest of public health. This condition is necessary because of potential contamination, however the condition refers to potential occupants, thus it requires modification. Another condition is recommended requiring verification of the treatment of contamination to ensure occupants have been adequately protected. Again as there are no occupants of the PFS this question fails to meet the test of relevance to the proposed development.

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Application No. 16/0066/FULL Continued

A condition requiring the testing of soil and hardcore is recommended. The scheme does not indicate soil importation and the condition is not the current Council standard, it therefore should be amended to the current relevant condition.

Other material considerations: In terms of its design the PFS is fairly standard with 4 pumps serving 8 vehicles and a canopy over. There is no pay kiosk as it is an automated PFS. The proposal should therefore blend acceptably with its commercial surroundings.

As explained above NRW at the time of preparation of this report are still in the process of considering the additional submitted information regarding the ground investigation. Given that the site has been developed as a supermarket in recent years it is not anticipated that the current holding objection will be sustained.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 03) Prior to commencement of development a site investigation shall be carried out to confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development and any remedial works identified by the site investigation shall be undertaken prior to commencement of the development.
REASON: The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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Application No. 16/0066/FULL Continued

04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the future site users of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health.

05) The construction of the Petrol Filling Station hereby approved shall not take place between the hours of 18.00 hrs to 08.00 hrs Monday to Saturdays and not at all on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water and Public Health Wales that are brought to the applicant's attention.

Please also be aware of the comments from other relevant departments of the Authority listed below:

Petroleum Enforcing Authority

Caerphilly County Borough Council is the Petroleum Enforcing Authority (PEA) and is responsible for issuing a petroleum storage certificate for dispensing premises.

Before a storage certificate can be granted for a new petrol filling station the applicant must satisfy the PEA, that the design and construction of the containment system for storage, leak detection, spillage control and other health and safety in relation to the dispensing of petrol, will not create an unacceptable risk.

Approval can only be given when a Petroleum Officer has examined detailed site plans and is satisfied that current guidance and codes of practice have been met. The information submitted with regard to the planning application is not sufficient for this purpose.

