

**APPLICATION NO:** 16/0086/10 (EL)  
**APPLICANT:** Asda Stores Ltd  
**DEVELOPMENT:** Development of an automated petrol filling station  
**LOCATION:** ASDA SUPERSTORE, COLLIERS WAY,  
TONYPANDY, CF40 2JQ  
**DATE REGISTERED:** 11/03/2016  
**ELECTORAL DIVISION:** Llwynypia

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**Recommendation: Approve**

**Reasons:**

The site represents an established commercial site located within settlement limits. The development of automated petrol filling station within the curtilage of the superstore is considered to be a compatible land use. The scheme is also considered acceptable in terms of its character and appearance, impact upon residential amenity and highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

Three or more letters of objection have been received

**APPLICATION DETAILS**

The petrol filling station would be located at the southern extent of the existing car park that serves the store.

Full planning permission is sought for the construction of a three pump automated petrol filling station within the curtilage of Asda Superstore, Colliers Way, Tonypany.

The petrol filling station would have three dispensers with fuel hose delivery to both sides, providing 6 fill positions. The pumps would be fully automated i.e. self service operated by means of customer credit card authorisation only with no cash sales and therefore no need for a sales kiosk on the site. It is commented that provision will be made for disabled customers at the pumps with a call/service point. It is also stated that a 'forecourt greeter' will be available during busier trading times to assist customers in the use of the forecourt, outside of these hours, support will be provided by staff from the store.

Customers will access the petrol filling station through the existing car park access arrangements that serve the store, from Colliers Way. The petrol filling station will operate a one way access, with priorities managed by signage and surface markings. Access to and from the forecourt has been designed to allow adequate space for Heavy Goods Vehicle tankers to manoeuvre safely.

In addition to the pumps the petrol filling station will incorporate:

- A canopy extending to 15.3 metres by 12.3 metres, with a height of 5.15 metres. This will provide some protection from the weather.
- A control room measuring 2.15metres by 1.9metres with a height of 2.3 metres. This structure will house the forecourt management equipment.

The application is accompanied by:

- Design and Access Statement
- A Coal Mining Risk assessment
- Flood Consequences Assessment
- Preliminary risk assessment and Ground Investigations Report
- Transport Statement

## SITE APPRAISAL

The application site forms part of the existing car park of the Asda superstore. The main store is positioned toward the north of the site, with car parking to the front (south) of the store. The petrol filling station would be located at the southern extent of the car park, extending to an area of approximately 3650m<sup>2</sup> (including the access). The site forms part of a small commercial development which also includes McDonalds. Access to the site is gained off Colliers Way, which lies to the west. To the east the site is bounded by an embankment that falls to an adjacent railway line. The closest residential properties are located approximately 100 metres to the west on Llwynypia Road.

## PLANNING HISTORY

Recent planning history for the site is set out below:

|            |  |  |  |
|------------|--|--|--|
| 16/0221/01 | Asda Superstore,<br>Llwynypia Road,<br>Llwynypia, Tonypandy, | Proposed signage<br>scheme   | Granted<br>03/05/16                    |
| 14/1027/38 | Asda Superstore,<br>Llwynypia Road,<br>Llwynypia, Tonypandy, | Discharge of condition 2<br>of planning permission<br>14/1027/10 -Sample<br>materials.   | Granted<br>06/08/14                    |
| 14/0670    | Asda Superstore,<br>Llwynypia Road,<br>Llwynypia, Tonypandy, | Single sided banner  | Granted with<br>conditions<br>15/07/14 |
| 14/0552    | Asda Superstore,<br>Llwynypia Road,<br>Llwynypia, Tonypandy, | Vinyl wrapped aluminium<br>panels to 'Pick & Collect'<br>canopy and associated<br>advertisements and<br>directional sign to canopy | Granted with<br>conditions<br>20/06/14 |
| 14/0551    | Asda Superstore,<br>Llwynypia Road,<br>Llwynypia, Tonypandy, | Erection of a 'Pick and<br>Collect' canopy within the<br>store's customer car<br>park.   | Granted with<br>conditions<br>13/06/14 |
| 13/0826    | Asda Superstore,<br>Llwynypia Road,<br>Llwynypia, Tonypandy, | 3m single storey canopy<br>for use as a seasonal<br>goods display area within<br>the curtilage of the Asda<br>store.               | Granted with<br>conditions<br>23/10/13 |
| 12/0561    | Asda Superstore,<br>Llwynypia Road,                          | 4 no. single sided<br>advertisement banners  | Granted with<br>conditions             |

|         |  |  |                                  |
|---------|--|--|----------------------------------|
|         | Llwynypia, Tonypandy,  | (amended details received 28/6/12).  | 29/06/12                         |
| 11/0419 | Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,         | Various store and car park signage carrying "24 hours" logo.   | Granted with conditions 25/05/11 |
| 07/0615 | Asda Superstore, Llwynypia Road, Llwynypia, Tonypandy,         | Various advertisement signage  | Granted with conditions 17/05/07 |
| 06/1173 | Hutchings Garage And Adjoining Land, Llwynypia Road, Tonypandy | Re-use and adaptation of the existing building for a 5,240 sq.m (gross) Class A1 foodstore with associated car parking and landscaping | Granted with conditions 21/12/06 |

## PUBLICITY

The application was advertised by direct neighbour notification and site notices. Three letters of objection have been received, in addition to a petition with 229 signatures.

The objections are summarised as follows:

- The petition states that the objection is based on the fact there are already a number of petrol stations within a 5 mile radius of the site and the proposal will impact upon local residents and businesses.

Other letters comment that:

- There are already 2 petrol stations within a mile of the Asda store and there are 9 petrol stations within a 5 mile radius of the store (and proposal).
- Concern is expressed that the proposal will have an adverse impact upon existing petrol station businesses.
- It is claimed that the proposal does not comply with the requirements of Local Development Plan policies as the proposal does not support traditional employment or create local jobs. It is also commented that the proposal is likely to have a significant effect upon other petrol filling stations in the locality which is likely to result in a loss of employment.
- It is commented that policy AW2 supports development that "would not unacceptably conflict with surrounding uses". It is claimed that the proposal would conflict with the sustainability of existing petrol stations, creating a risk of business closure and job losses.
- It is commented that existing trading is already very competitive and that the proposal would further threaten the viability of existing businesses.
- It is claimed that the proposal does not represent an efficient use of space, on the grounds that there are already a number of petrol stations in the area.
- It is commented that the likely economic benefits from the proposal are limited providing only an increased revenue for Asda stores, as opposed to existing local businesses that provide employment and return money to the local economy.

## **CONSULTATION**

Transportation Section – no objections raised, conditions recommended.

Land Reclamation and Engineering – no objections raised condition suggested.

Natural Resources Wales – no objections raised however a condition is required in order to limit any adverse impacts upon controlled waters.

Public Health and Protection – no objections raised, site investigations condition recommended.

Health and Safety Section – Petroleum Enforcement Authority – no objections raised informative notes relating to the storage of dangerous substances recommended.

Health & Safety Executive – does not advise against, on safety grounds, the granting of planning permission.

The Coal Authority – no objections raised – it is commented that conclusions of the Coal Mining Risk Assessment find that coal mining legacy issues are not significant within the site and do not pose a risk to the proposed development.

Dwr Cymru – no objections raised, however it is noted that both operational and non-operational watermains are located in the vicinity of the application site. Dwr Cymru state that no structures are to be sited within an agreed easement of these watermains (6 metres is stated in this case).

Wales & West Utilities – apparatus may be located in the vicinity of the site, therefore may be at risk during construction works. The applicant must contact Wales & West Utilities directly to discuss the matter further and ensure no damage to their assets.

South Wales Police – no objections raised.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The site is within settlement boundaries and is unallocated.

CS1 sets out criteria for achieving strong sustainable communities in the northern strategy area.

AW2 promotes development in sustainable locations.

AW 5 sets out criteria for new development in relation to amenity and accessibility.

AW6 sets out the criteria for new development in terms of design and place-making.

AW 10 sets out the criteria for environmental protection and public health.

NSA12 sets out the criteria for development within and adjacent to settlement boundaries

### National Guidance

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

### **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**

The application site represents an established supermarket situated within a small commercial park that lies within settlement limits. The proposal seeks to utilise a proportion of the existing car park to construct a petrol filling station.

As such, the key considerations in determining this application are the compatibility of the proposed use within the established area and the impact of the development upon highway safety. The impact of the development upon the character and appearance of the existing site and immediate area, along with the potential impact upon the amenity of neighbouring occupiers are further considerations.

### Principle of Development

In the assessment of any application for new development, the first consideration must be the location of the site in planning policy terms. In this case the site is located within settlement limits and furthermore, is within the curtilage of an existing supermarket. As such, the land represents an established commercial site.

In planning policy terms, policies AW2 and AW5 provide the main criteria for the assessment of new development. Amongst other factors, these require development proposals be located in sustainable locations that have good accessibility and that the activities proposed would not unacceptably conflict with surrounding uses. In this case, the proposed petrol filling station would operate in conjunction with the existing Asda store, being situated within its curtilage. In a supporting statement that accompanies the application, the agents comment that Asda made a substantial investment in Tonypany when its store opened in November 2007, with the store now representing an important facility for the community. The agents comment that

research has shown their customers now generally expect a petrol filling station to be associated with a modern food store. They comment that the fact that the Tonyandy store does not currently benefit from this facility could result in a loss of custom for the supermarket; as such, the current submission seeks to respond to this market need.

It is acknowledged that following the publicity of the application a number of representations have been received. Whilst these are set out in full above, the main area of concern relates to the potential impact of the proposal upon existing petrol station retailers in the vicinity of the site.

The objections received express concern that as the proposal is for an automated facility, in the long term, no new jobs would be generated as a result of the development. Further concern is expressed that the development of another petrol station in the Tonyandy area would place pressure upon the existing petrol retailers, potentially risking a loss of jobs if existing businesses were to fail.

It is acknowledged that the proposed facility would be automated and therefore would not employ staff in a manned kiosk; however it is not considered that this fact alone would represent a reason for the refusal of the planning application. It is accepted that the development of an additional petrol filling station would undoubtedly add competition to the market, with consumers being offered more choice. However, since matters of competition alone do not form material planning considerations, it is not considered that this fact would warrant the refusal of the application. As such, overall, it is considered that principle of the development of a petrol filling station in this location is acceptable and in accordance with planning policy requirements.

### Character and Appearance

In terms of visual impact, the layout and design of the petrol filling station is dictated largely by its function. Three fuel dispensers would be arranged on the forecourt, providing 6 fill positions, sufficient space would be available for circulation of traffic around these. In addition to the pumps, a control kiosk would be constructed, all of which would sit beneath a canopy, providing some protection for customers from the weather and 'visually containing' the development.

As set out above, the proposal would be situated at the southern extent of the existing car park. Therefore, whilst the development and associated structures would obviously form visible features in the street scene, they would be viewed in the context of the supermarket and neighbouring commercial development.

As such, overall, it is not considered that the resulting development would cause a harmful impact upon the character and appearance of the street scene and area generally.

### Residential amenity

The site comprises an area of land that forms part of the car park for the existing Asda store and is therefore read primarily in the context of a commercial setting. It is noted that a number of residential properties are located within walking distance of

the site, however these are geographically separate from the application site. The closest properties are situated on Llwynypia Road, which lies to the west of the site and is separated from the existing store and application site by the busy road, Colliers Way. As such, these dwellings are only partially visible from the application site. Overall, it is considered that the nearest residents are located a sufficient distance from the application site so as not to be adversely affected, in terms of impacts upon either amenity or privacy.

### Highway Safety

As set out above, the application is accompanied by a Transport Statement, which provides information in relation to access, parking, circulation and the trip rate and trip generation for the proposal. In order to aid in the assessment of the scheme upon highway safety, consultation has been undertaken with the Council's Transportation Section, their assessment, which raises no objections to the scheme, is detailed below.

### *Parking*

Their assessment comments that the proposed development would result in the loss of 26 car parking spaces which represents 8.1% of the total existing parking provision within the existing superstore car park of 320 car parking spaces. As such, 294 parking spaces would remain to serve the superstore.

The Transport Statement (paragraph 5.5) indicates that car park accumulation surveys were undertaken over five weekends (Thursday to Sunday) during October and November 2015 the results of which are summarised in Table 2 below:

| DAY      | RANGE OF PEAK ACCUMULATION<br>Nº of spaces occupied (Occupancy %) | MAXIMUM PEAK ACCUMULATION<br>Nº of spaces occupied (Occupancy %) | RANGE OF AVAILABLE SPACES DURING PEAK PERIODS |
|----------|---|--|---|
| THURSDAY | 158 (49%) – 255 (80%)   | 255 (80%)  | 65 - 162                                      |
| FRIDAY   | 190 (59%) – 263 (82%)   | 263 (82%)  | 57 - 130                                      |
| SATURDAY | 170 (53%) – 277 (87%)   | 277 (87%)  | 43 - 150                                      |
| SUNDAY   | 145 (45%) – 274 (86%)   | 274 (86%)  | 46 - 175                                      |

This data illustrates that even at peak trading periods, with the car park reduced to accommodate a maximum of 294 spaces, there would still be a minimum 5% spare capacity within the car park for customer parking. On this basis the reduction in parking provision for the existing superstore is considered on balance acceptable.

Whilst the Council's Supplementary Planning Guidance does not include requirements specifically for automated petrol filling stations, it is noted that:-

- Space is provided within the forecourt to accommodate articulated tanker delivery vehicles.
- The filling station will not incorporate a kiosk or sales facility.
- No other ancillary use (e.g. automatic car wash) is proposed.
- Staff (from the store) will be in attendance at peak periods or summoned to assist users when necessary.
- Availability of the adjacent car park should any car parking be required by staff or maintenance personnel.

On the basis of the above, it is considered that the operational and non-operational parking provision is considered acceptable.

### *Trip Rate and Trip Generation*

In order to estimate trip rates for the proposed petrol filling station, trip rate data from surveys undertaken across Asda sites has been used. The results of this data analysis are summarised in the table below:

|  | Vehicle Trip Rate<br>(per 100 sqm gfa) |                           |
|--|--|---------------------------|
|  | FRIDAY<br>(1700 – 1800)                | SATURDAY<br>(1200 – 1300) |
| ASDA without PFS                               | 12.99                                  | 13.62                     |
| ASDA with PFS                                  | 13.59                                  | 14.91                     |
| Change in Trip Rate                            | 0.6                                    | 1.29                      |
| Change in Vehicle Movements<br>(5,300 sqm gfa) | 32                                     | 68                        |

The above data indicates that the petrol filling station would generate an additional 68 movements (34 visits) between 12:00 and 13:00 on a Saturday. Information provided within the Transport Statement indicates that based on data from similar Asda stores, around 58% of trips would be linked to shopping trips to the existing superstore. Furthermore a proportion of trips (17%) would be pass-by-trips where trips already on the network would divert to the proposed filling station. Therefore the anticipated additional trips generated would be 25%, which would amount to 8 trips during the Friday peak and 17 trips on the Saturday peak. It is not considered that this increase would be so significant so as to warrant a highway objection.

The proposal is for an automated petrol filling station where the only form of payment is via a credit card at the pump (thereby removing the need to visit the kiosk to pay)



this reduces the average transaction time to 1 minute and 10 seconds. The Transport Statement indicates that the six filling positions will therefore be adequate to deal with demand at peak times. Furthermore, significant space is available within the filling station forecourt, the internal access roads and parking aisles (within the existing superstore car park) to accommodate any vehicle stacking that may arise. As such, it is not considered that the additional traffic, generated by the proposed petrol filling station, would have a significant impact on the local highway network or signalised junction leading to the site.

### *Access and circulation*

Access to the proposal, for both customers and delivery vehicles, would utilise the existing highway layout, via the signalised junction at Colliers Way. This access is considered acceptable, with appropriate vision splays. It is acknowledged that the swept path analysis indicates that some minor realignment works within the site would be required. These would include re-alignment of the kerblines at the roundabout and within the Asda car park access road, in order to accommodate tanker deliveries and allow the provision of a right turn holding lane (providing access to the automated petrol filling station). The plans which accompany the application illustrate that these can be accommodated within the site without compromising the existing layout or parking configuration.

Overall, having assessed the scheme it is considered that the proposed petrol filling station can be accommodated within the site without resulting in an unacceptable loss of car parking (to serve the existing supermarket). Furthermore, the additional traffic movements generated by the proposal can be accommodated without adversely impacting upon the existing highway network or free flow of traffic. As such, the scheme is considered acceptable in highway safety terms.

### Flood Risk

Consultation with Natural Resources Wales has identified that the application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Natural Resources Wales Flood Map, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Rhondda, a designated main river. In light of this fact, the application is accompanied by a Flood Consequences Assessment.

However, in their consultation response, Natural Resources Wales acknowledge that, due to the results of recent flood modelling work, this site will no longer be within the 0.1% (1 in 1000 year) annual probability fluvial flood outline of the River Rhondda when their flood map is updated in the future. For this reason, their response concludes by stating that Natural Resources Wales have no adverse comments to make in relation to flood risk at this site.

### Dwr Cymru

Consultation with Dwr Cymru has identified that both operational and non-operational watermains lie in close proximity to the application site. Dwr Cymru have

raised no objection to the application but state that a protection will be required either side of the centre line of these watermains; furthermore no structures will be permitted within these easements. It is noted that discussions in relation to the exact position of the watermain and the scale of the easement required are on-going between the applicant and Dwr Cymru. However, the applicant has provided a layout plan which demonstrates that no physical structures are located within 6 metres of the assumed line of the operational watermains that bound the site. Nevertheless, an informative is recommended, which reminds the applicants of their responsibility in ensuring that the exact location of the watermains are established and the necessary protection zones agreed with Dwr Cymru directly.

### 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

Having taken account of all of the issues outlined above and in light of the responses received from consultees, the application proposal is considered acceptable. Therefore, the proposal is recommended for approval, subject to the conditions specified.

### **RECOMMENDATION: Grant**

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 carried out in accordance with the approved plan(s) no(s)
  - Drawing no. (100)01 rev A Location plan
  - Drawing no. (200) 01 Rev A Existing site plan
  - Drawing no. (200) 02 Rev B Proposed site plan
  - Drawing no. (200) 03 Rev B Proposed layout
  - Drawing no. (200) 04 Rev B proposed road works
  - Drawing no. (300) 01 Rev B Proposed elevations
  - Drawing no. (400) 01 Rev B Sections
  - Drawing no. (500) 01 Rev A Control room details
  - Drawing no. (500) 02 Rev A lighting column – dome CCTV

and documents received by the Local Planning Authority on 29/01/16 and 16/03/16 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The development shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Development shall not commence until full engineering design and detail of the works to the kerb line adjacent to the access necessary to facilitate the passage of delivery vehicles to the automated petrol filling station, including realignment of the kerb line, relocation of road gullies and illuminated signage access and including construction details and specification have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the means of access has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

7. No HGV deliveries during the construction period shall take place between the hours of 08:00-09:00 am and 17:00-18:00pm on weekdays to and from

the site.

Reason: In the interests of the safety and free flow of traffic.

8. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tanks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason: To protect controlled waters as underground storage of hazardous substances pose particular risks to groundwater because of the problems of leak detection in accordance with policy Aw10 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

10. The development hereby permitted, shall not be operated until the measures approved in the scheme (referred to in Condition 9) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Any topsoil, natural or manufactured, or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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