

LOCAL MEMBER OBJECTION, AM OBJECTION, PETITION

COMMITTEE DATE: 18/09/2019

APPLICATION No. **19/01370/MNR** APPLICATION DATE: 13/05/2019

ED: **LLANISHEN**

APP: TYPE: Full Planning Permission

APPLICANT: MCDONALD'S RESTAURANTS LTD

LOCATION: FORMER THE TY GLAS, 75 TY GLAS AVENUE, LLANISHEN, CARDIFF, CF14 5DX

PROPOSAL: RECONFIGURATION OF THE WIDER SITE INCLUDING PARKING AND PATIO LAYOUT, INSTALLATION OF WRAP AROUND DRIVE-THRU LANE AND THE INCLUSION OF A BACK OF HOUSE CORRAL STORAGE AREA AND ASSOCIATED WORKS TO THE SITE. INSTALLATION OF 2NO COD (CUSTOMER ORDER DISPLAYS) AND GOAL POST HEIGHT RESTRICTOR. ALTERATIONS TO THE ELEVATIONS INCLUDING NEW ENTRANCE DOOR AND DRIVE-THRU BOOTHS, NEW PLANT EQUIPMENT TO THE ROOF

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, in respect of matters detailed in paragraph 8.5 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be commenced before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Sec. 91(1)(b) of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and details unless otherwise expressly required by the ensuing Conditions:
 - 7763-SA-8061-P004 G – Site Layout Plan as Proposed
 - 7763-SA-8061-P005 D – Elevations and Sections as Proposed
 - 7763-SA-8061-P006 E – Ground Floor, First Floor & Roof Plan
 - Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan by Haydens Arboricultural Consultants dated 9th May 2019
 - V15985-MCD_L01 Rev. D – Proposed Landscape Plan

- V15985_D01 Rev. A – Tree Planting Detail
- 7424-D-AIA – Prelim AIA
- 4190332-1200 Rev. I3 – Proposed Levels
- 4190332-1300 Rev. I4 – Proposed Finishes
- MD4190332/KLJ/002 – Drainage Statement (NB8061) dated 4th July 2019
- 001_01 Rev. F – Chargepoint Express 250 (with Bollards)
- 001_08-02 Rev. D – RMC 1600 – With Roots
- 8368/PM1001 – HVAC Planning Drawing
- Goal Post Height Restrictor and COD/Canopy received on the 4th June 2019

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system

3. Notwithstanding the submitted landscaping details, a finalised landscaping scheme shall be submitted for the approval of the Local Planning Authority which shall include planting plans, tree pit sections and specifications and which shall be informed by an assessment of site soils (undertaken in accordance with Cardiff Councils Soils and Development Technical Guidance Note) to ensure that soil characteristics, profiles and volumes will support the planting types proposed. Thereafter the development shall be undertaken in accordance with the approved details and the approved landscaping shall be provided within the first month of the first planting season following beneficial use of the development hereby approved.
Reason: In the interests of the public amenity of the area, mitigating the effects of climate change and enhancing natural heritage in accordance with Policies KP5, KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.
4. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 3, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the amenity and environmental value of the area in accordance with Policies KP5, KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.
5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk

assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

6. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed 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. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

7. Members of the public shall not be permitted to consume food and drink upon or be seated within the patio areas directly adjoining the north and west elevations of the building (as annotated with 'Keyblok paving - Patio' upon dwg. no. 7763-SA-8061-P004 G) between the hours of 23:30 and 07:30 on any day.

Reason: To ensure the use of the patio does not prejudice the amenities of the area in accordance with Policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays.

RECOMMENDATION 3: The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

- i determining the extent and effects of such constraints;
- ii ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- iii the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: The developer be advised to contact Wales and West Utilities prior to commencement of development.

RECOMMENDATION 5: On the 7th January 2019 Schedule 3 of the Flood and Water Management Act 2010 was enacted. This effects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Cardiff Council are aware that this is

new legislation and as such we are offering a free pre-application service for the first year. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here:

<https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 6: Welsh Water advise that:

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

1. DESCRIPTION OF THE SITE AND AREA

- 1.1 The application site comprises of an existing restaurant premises. The site benefits from planning permission, granted in the late 1980's, allowing for the

use as a 'Public House/Restaurant' (Class A3). The original planning permission includes no restrictions upon use or operating hours and, therefore, the premises can be utilised for the purpose of *'the sale of food or drink for consumption on the premises or of hot food for consumption off the premises'* 24 hours per day. Restrictions upon the use of a subsequent patio area beyond 23:30 hours remains extant.

- 1.2 The site is located on Ty Glas Avenue, Llanishen, Cardiff a busy thoroughfare and main traffic route within this part of the city. The site is located on the periphery of a business/industrial park and the immediate neighbours are of a commercial nature, including offices, a leisure centre and warehouses. Recently a development of apartments has been introduced opposite the site and an estate of dwellinghouses is in excess of 50m from the boundary of the application site. The premises have recently been occupied by the Harvester brand as a restaurant with bar facilities.
- 1.3 The building is located in the north west corner of the site with its principal elevation facing north fronting Ty Glas Avenue. A considerable car park lies to the east and south of the buildings and a small patio area lies in front of the principal elevation. The building is of a traditional form with brick elevations and tiled gable roofs, gable fronted porticos provide the principal features of the building. The site curtilage is largely bounded by mature planting of significant amenity value.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for alterations to the building and site principally to provide a 'drive-thru' which would circulate around the west side of the building from the south to north. To the south west corner of the site two 'customer order displays' measuring 3m in height with a canopy measuring 3.5m x 2.4m would be provided. To the entrance of the 'drive-thru' a steel post and beam height restrictor would be provided at marginally over 3m in height.
- 2.2 To the rear elevation, off the south west corner, of the building a storage area enclosed by an Anthracite Grey panel of 2.8m in height would be provided.
- 2.3 Alterations to the layout and access of the car park are necessary to provide the proposed 'drive-thru' in addition to alterations to the west elevation of the building provide service windows.
- 2.4 A number of miscellaneous alterations are also proposed including a new entrance doors, new finishes to elevations, a patio area and associated fittings, new enclosures, electric charging points and plant.

3. PLANNING HISTORY OF RELEVANCE

Application No : 89/01306/N
Proposal : PUB/RESTAURANT
Application Type: FUL
Decision : PER
Decision Date : 12/09/1989

Application No : 89/02461/N
Proposal : PUBLIC HOUSE/RESTAURANT AND CAR PARKS (3105
m.sq.)
Application Type: FUL
Decision : PER
Decision Date : 09/01/1990

Application No : A/90/00136/N
Proposal : VARIOUS BREWERY SIGNAGE
Application Type: ADV
Decision : PER
Decision Date : 16/11/1990

Application No : 00/01632/N
Proposal : THE FORMATION OF A GARDEN AREA TO THE
EXISTING FRONTAGE OF THE TY GLAS PUBLIC HOUSE
Application Type: FUL
Decision : PER
Decision Date : 18/10/2000

Application No : 01/00145/N
Proposal : REMOVAL OF CONDITION 8 OF PLANNING APPROVAL
89/2461 DATED 9TH JANUARY 1990
Application Type: REM
Decision : PER
Decision Date : 15/03/2001

Application No : 01/00811/N
Proposal : FORMATION OF NEW PATIO TO EXISTING PUBLIC
HOUSE
Application Type: FUL
Decision : PER
Decision Date : 08/06/2001

Application No : A/01/00089/N
Proposal : BREWERY SIGNAGE
Application Type: ADV
Decision : PER
Decision Date : 12/06/2001

Application No : A/03/00172/N
Proposal : NEW BREWERY SIGNAGE
Application Type: ADV
Decision : PER
Decision Date : 12/09/2003

Application No : 07/01955/E
Proposal : EXTENSION OF EXTERNAL DRINKING AREA AND 2 NO.
TIMBER FRAME GAZEBOS ON PATIO AND
RELOCATION OF 2 NO. JUMBERELLAS
Application Type: FUL
Decision : PER
Decision Date : 10/10/2007

Application No : A/15/00055/MNR
Proposal : 2 NO INTERNALLY ILLUMINATED POST SIGNS 2 NO INTERNALLY ILLUMINATED SETS OF LETTERS 2 NO INTERNALLY ILLUMINATED DISPLAY CASES 2 NO NON ILLUMINATED SETS OF LETTERS

Application Type: ADV
Decision : PER
Decision Date : 21/05/2015

Application No : 15/01034/MNR
Proposal : VARIATION OF CONDITION 3 OF 01/00811/N TO ALLOW USE OF THE PATIO FROM 0900 UNTIL 2330 HOURS

Application Type: VAR
Decision : PER
Decision Date : 17/06/2015

Application No : A/19/00057/MNR
Proposal : INSTALLATION OF 4 NO. FASCIA SIGNS
Application Type: ADV
Decision : UNDECIDED

Application No : A/19/00058/MNR
Proposal : THE INSTALLATION OF 1 NO. FREESTANDING 6M TOTEM SIGN.

Application Type: ADV
Decision : UNDECIDED

Application No : A/19/00059/MNR
Proposal : INSTALLATION OF SITE SIGNAGE INCLUDING; 4 NO. FREESTANDING SIGNS, 1 NO. BANNER SIGN AND 18 NO. DOT SIGNS.

Application Type: ADV
Decision : UNDECIDED

4. POLICY FRAMEWORK

4.1 National Planning Policy

- Planning Policy Wales (10th Ed, 2018)
- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 15: Development and Flood Risk (2004)
- Technical Advice Note 18: Transport (2007)
- Technical Advice Note 20: Planning and the Welsh Language (2017)
- Technical Advice Note 23: Economic Development (2014)

4.2 Cardiff Local Development Plan 2006-2026

- Policy KP1 (Level of Growth)
- Policy KP3(B) (Settlement Boundaries)
- Policy KP5 (Good Quality and Sustainable Design)
- Policy KP6 (New Infrastructure)

- Policy KP7 (Planning Obligations)
- Policy KP8 (Sustainable Transport)
- Policy KP19 (Responding to Evidenced Economic Needs)
- Policy KP13 (Responding to Evidenced Social Needs)
- Policy KP14 (Healthy Living)
- Policy KP15 (Climate Change)
- Policy KP16 (Green Infrastructure)
- Policy KP18 (Natural Resources)
- Policy EN6 (Ecological Networks and Feature of Importance for Biodiversity)
- Policy EN7 (Priority Habitats and Species)
- Policy EN8 (Trees, Woodlands and Hedgerows)
- Policy EN10 (Water Sensitive Design)
- Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
- Policy EN14 (Flood Risk)
- Policy T1 (Walking and Cycling)
- Policy T5 (Managing Transport Impacts)
- Policy T6 (Impact on Transport Networks and Services)
- Policy R8 (Food and Drink Uses)
- Policy C3 (Community Safety/Creating Safe Environments)
- Policy C6 (Health)
- Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance

- Food, Drink and Leisure Uses (November 2017)
- Green Infrastructure (November 2017)
- Infill Sites (November 2017)
- Managing Transportation Impacts (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)
- Waste Collection and Storage (October 2016)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Flood & Coastal Risk Management) raised initial concerns in respect of insufficient detail being provided in respect of flood risk or surface water proposals. Subsequently a drainage scheme was submitted and no objections have been raised to this submitted scheme. The comments noted that the proposal may be subject to SAB approval controlling water management and an advisory note is recommended in this regard.
- 5.2 The Operational Manager (Traffic and Transportation) raises no objection to the proposal, subject to S106 contributions and conditions. It is advised that a traffic survey and junction assessment has been undertaken and the data, which has been agreed, indicates that whilst the proposal will result in additional traffic movements this would not result in any significant operational problems beyond the base situation. It is recommended that a zebra crossing between Llanishen Leisure Centre and the site access road be provided to

increase pedestrian safety and slow traffic. Contributions are also sought, in the interest of pedestrian safety, for improvements to the access road junction with Ty Glas Avenue. The car park proposes 42 spaces, with additional two reserve bays, which is within the maximum standards and predications, based on similar stores, suggest a maximum parking accumulation of 30 whilst during peak times this may be exceeded it is not considered that such demand beyond the site car park would result in safety concerns. Space for the storage of cycles are proposed which will be beneficial in encouraging cycle travel to store.

- 5.3 The Operational Manager (Waste Management) raises no objection to the proposal subject to a financial contribution of £1,880 being made to provide bins four litterbins within the locality.
- 5.4 The Operational Manger (Shared Regulatory Services – Noise & Air Pollution) has been consulted, no representations have been received.
- 5.5 The Operational Manger (Shared Regulatory Services – Environment Team) raises no objection to the proposal, however, conditions are recommended in respect of unforeseen contamination and imported materials. Advisory notes in relation to contamination and unstable land are also recommended.
- 5.6 The Council's Planner (Trees and Landscaping) advises that subject to the development being carried out in full accordance with the details submitted no harm is likely to result to trees of amenity value and subject to conditions the proposed landscaping of the site would be satisfactory.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water advise that no surface water and/or land drainage shall be allowed to connect to the public sewerage network.
- 6.2 South Wales Police have no objection to the application. It is advised the car parking area is likely to see higher levels of vehicle and pedestrian activity so for safety, security and management a number of recommendations in respect of lighting, litter, vision splays, pedestrian crossings, cycle parking, security and CCTV are provided.
- 6.3 Wales and West utilities rise no objections to the proposal. It is advised that a copy of their plans and general conditions are available for the developer's reference.

7. REPRESENTATIONS

- 7.1 The application was advertised by way of neighbour consultation letters and site notices. A significant number of representations both supporting and objecting to the proposal have been received.
- 7.2 Three petitions, of 59, 51 and 15 signatories, have been received objecting to the proposal. The concerns expressed relate to health and wellbeing of the community, increased traffic, increased litter, anti-social behaviour and impact

upon residential amenity.

7.3 Letters of representation, objecting to the proposal, have been received from parties of the following addresses:

- 12, 15, 16, 18, 20, 22, 23, 31, 32, 33, 34, 36 & 3 x no number provided Llys Faith, Llanishen
- 8, 12, 63 Ty Glas Avenue, Llanishen
- Ty Nant, 63, 91, 110, 114, 117, 124, 130, 136, 149, 154 Ty Glas Road, Llanishen
- 39 & 79 Coed Glas Road, Llanishen
- 102, 122, 137, 145, 148, 154, 160, 170, 174, 183, 186, 188, 221, 233, 251, 253, 257, 263, 265, 269, 273, 281, 283, & 1 x no number provided Fishguard Road, Llanishen
- 132, 134 & 178 Fidlas Road, Llanishen
- 8 & 11 Tasker Square, Llanishen
- 1 & 27 Newborough Avenue, Llanishen
- Headteacher of Coed Glas Primary School
- 5 Gaerwen Close, Llanishen
- 78 Ashbourn Way, Llanishen
- 44 South Rise, Llanishen
- 45 Station Road, Llanishen
- 23 Trecastle Avenue, Llanishen
- 30, 36 & 44 Crundale Crescent, Llanishen
- 3 & 41 Wavell Close, Llanishen
- 26, 29, 33, 35 St Dogmaels Avenue, Llanishen
- 9, 11, 26 & 60 Kimberley Terrace, Llanishen
- 12 Cwrt Glas, Llanishen
- 10 Mostyn Square, Llanishen
- 149 Tatham Road, Llanishen
- 26 Crystal Glen, Llanishen
- 5 St Martins Crescent, Llanishen
- 10 Elan Road, Llanishen
- 19 Bluehouse Road, Llanishen
- 21 Llys Pegasus, Llanishen
- 32 Cherrywood Close, Thornhill
- 7 Sable Close, Lisvane
- 18 Cefn Onn Meadows, Lisvane
- 5 Ridgeway, Lisvane
- 9 Ilfracombe Crescent, Llanrumney
- 9 Clos Y Fran, Thornhill
- 10 Cheriton Drive, Thornhill
- 28 Guenever Close, Thornhill
- 42 Heol Hendre, Rhiwbina
- 20A Lakeside Drive
- 2 Skomer Court, Grangetown
- 5 Glynne Street, Riverside

- 10 Osprey Close, St Mellons
- 45 Mountbatten Road, Barry
- Several parties have supplied no address

A summary of the objections are detailed below:

- Adverse impact upon the health and well-being of community, particularly children given proximity to schools and leisure centre;
- increase in traffic disruption/delays and adverse impact upon highway safety;
- detrimental impact upon amenity of the area and neighbouring occupiers (i.e. litter, noise, odour, anti-social behaviour, air pollution etc)
- proposals are contrary to the character of the area;
- concerns with regards impact upon local businesses;
- the adverse impact upon climate change goals;
- added pressure on water drainage systems;
- devaluation of property.

7.4 Letters of representation, supporting the proposal, have been received from parties of the following addresses:

- 23 & 50 Fishguard Road, Llanishen
- 7 Llangefni Place, Llanishen
- 44a Heol Llanishen Fach, Llanishen
- 2 Trecastle Avenue, Llanishen
- 92 Heol Hir, Llanishen
- 13 Portfield Crescent, Llanishen
- 30 White Barn Road, Llanishen
- 25 St Dogmaels Avenue, Llanishen
- 8 Crundale Crescent, Llanishen
- 21 Spring Grove, Thornhill
- 22 Tristram Close, Thornhill
- 40 Angelica Way, Thornhill
- 57 Oakridge, Thornhill
- 7 Woodlawn Way, Thornhill
- 19 Pen Y Cefn, Thornhill
- 19 Plas Y Delyn, Lisvane
- 82 Heathway, Heath
- A Thornhill resident

A summary of the reasons for support are:

- benefits to the local economy;
- jobs will be created within the area;
- community cohesion will be enhanced.

7.5 Cardiff and Vale University Health Board advise that they have responsibility for the health and well-being of the population, and as such our strategic intent

is to work to ensure that the local environment is as conducive as possible to enabling people to make healthy choices. Through the local Public Services Board, we are working with a range of partners to develop this agenda and have committed to developing a healthy weight strategy for Cardiff and Vale. Whilst we understand that this building has planning permission for an A3 use already, and therefore we cannot object or comment on an application for a change of use, we want to raise our concerns about the location of such a facility in this area. There is evidence that locating fast food takeaways near to schools is linked to higher levels of childhood obesity. Childhood obesity is a key public health concern, and as this particular proposal is within close proximity to a primary school it is one that we would not support.

7.6 Local Ward Member Cllr Phil Bale expresses the following concerns with regards to the proposal:

- there are limited litter bins within the area and a long history of serious litter problems within the area. The limited outdoor seating will encourage off-site consumption leading to a substantial increase in litter;
- there is an enhanced risk of anti-social behaviour within the area;
- the proximity to schools given recent research should be considered;
- an increase in traffic will result and there are already serious issues within the area including parking problems, traffic congestion, lack of crossing points for pedestrians;
- the proposal is contrary to the Council's bilingual strategy;
- the impact of 24 hour opening needs to be considered;
- the applicant has not provided a retail impact assessment to determine if the proposal would harm businesses in Llanishen Village;
- that current pedestrian routes are not safe;
- In the event that planning permission is approved contributions towards cycle parking, on-street parking, school safety zone, community facilities, a pedestrian crossing and a bus shelter are requested.

7.7 Local Ward Member Cllr Shaun Jenkins, also on behalf of Cllrs Lancaster and Parkhill, oppose the application for reason that the opening hours are excessive and the 'drive-thru' will lead to excessive traffic movements both of which will have a negative impact upon the amenities of local residents.

7.8 Julie Morgan AM raises concerns with regards to the proximity of the premises to schools and the resultant wellbeing of the pupils, whether the premises would create traffic problems, that the 24 hour opening would be incompatible within the area and that litter problems would result.

7.9 Anna McMorris MP raises concerns with regards to the proximity of the site to schools, traffic increase, safety of pedestrians, opening hours and littering.

8. **ANALYSIS**

8.1 **Introduction**

8.1.1 The application was deferred at the Committee meeting on the 14th August 2019 for a site visit which subsequently took place on 9th September 2019. The application is reported for determination following the site visit.

8.1.2 The application site lies within the defined settlement boundary within an area of mixed use and the principle of the use of the premises for the provision of food and drink for consumption on or off the premises is established and lawful. It must, therefore, be recognised that the principle of the use is not a matter for consideration the existing premises may be utilised by any party for the provision of food and drink without substantial restriction, including upon opening hours, and to attempt to control this existing lawful use is beyond the scope of the application.

8.1.3 Accordingly, the principle of the proposed development is considered to be acceptable and the matters for consideration are the effect of the proposed alterations to the building and site, as detailed within the application, upon:

- the character of the area;
- the amenities of the area and neighbouring occupiers;
- the transport network.

8.2 Impact Upon the Character of the Area

8.2.1 Policy KP5 requires that all new development should respond *‘to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals’*.

8.2.2 The immediate area benefits from a range of different buildings in terms of scale, age and design including commercial, leisure and residential buildings. The alterations proposed to the existing building are of a minor nature and complement its original design.

8.2.3 The alterations and provisions to be made within the site are reflective of what would be reasonably expected within the curtilage of the existing commercial building and of the wider area.

8.2.4 The existing mature vegetation will be predominately retained with enhancements where necessary to facilitate the works and the site will retain the existing benefits to visual amenity of this infrastructure that has previously existed.

8.2.5 Accordingly it is considered that the proposal has due regard to the context of the area and would complement its character, and, therefore, accords with the principles of Policy KP5 of the Cardiff Local Development plan.

8.3 Impact Upon the Amenity of Neighbouring Occupiers and the Area

8.3.1 Policy KP5 seeks to ensure that *‘no undue effect on the amenity of neighbouring occupiers’* results from development.

- 8.3.2 Given the existing context, as detailed at para. 1.1 and 8.1.1, it is considered that the proposals have limited potential to impact upon the amenity of the area and neighbouring occupiers. Many of the potential amenity considerations that have been raised during the processing of the application are intrinsic of concerns raised during applications for change of use to such premises, however, the use of the premises is not material to the consideration of this application. The proposed alterations to the site and building are as a matter of fact and degree minor in nature and would not in use terms be materially different to how the existing site could and may be operated.
- 8.3.3 The proposed 'drive thru' does add a different element to the existing use whereby visitors can purchase food without leaving their cars. This element, however, may in reality have no greater or perhaps a lesser effect than a premises serving take away food where visitors would be required to enter the premises as greater disturbance could result. The 'drive-thru' element is located to the western boundary of the site and is not directly opposite any residential property and, therefore, the relative movement of vehicles within and around the site would again not be fundamentally different than could and may be experienced from the premises within its current configuration.
- 8.3.4 Whilst it is accepted that premises of this nature can give rise to increased litter this is inherently the fault of users rather than the premises operator and again the use of the premises is not material to the consideration of this application. The proposal includes the provision of more than adequate number of litter bins within the site and the applicant has agreed to make contributions to providing litter bins within the immediate area.
- 8.3.5 A condition is recommended controlling the use of the patio areas similar to that imposed upon the existing premises to protect the amenity of neighbouring residents, however, the hours of use have been extended from 07:30 which given the nature of the use is unlikely to have any adverse impact upon neighbouring occupiers.
- 8.3.6 Accordingly it is considered that the proposal would not have any undue impact upon the general amenity of neighbouring occupiers or the area, and, therefore, accords with the principles of Policy KP5.

8.4 Transport Impact

- 8.4.1 Policy KP8 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy T5, supports this key policy, by seeking to ensure *'that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes'*. Whilst Policy KP6 details that *'development will not be permitted which would cause unacceptable harm to the safe and*

efficient operation of the highway, public transport and other movement networks'.

- 8.4.2 The proposal provides for adequate car parking facilities in accordance with current guidelines and is within the maximum considered acceptable to ensure that sustainable transport objectives are achieved.
- 8.4.3 Bicycle parking spaces are proposed within the curtilage to encourage the use and promote this sustainable mode of transport.
- 8.4.4 Assessments undertaken detail that whilst some increase in vehicle traffic will result that it would not be so substantial to impact upon the safe and efficient use of the highway. Improvements to the existing highway are to be secured, through financial contribution, for upgrading the existing access junction and providing a pedestrian crossing to negate any harm to highway safety through lowering speeds and improving pedestrian movement networks.
- 8.4.5 It should be noted that the assessments undertaken were based upon data which did not fully consider the existing lawful use the premises can be utilised for and, therefore, the net traffic impact resulting from the proposal could be less than even than that which has in any case been found acceptable.
- 8.4.6 Accordingly, it is considered, subject to conditions, that the proposal would have no adverse transport impact having a minimal impact upon the road network and accords with the principles of Policies KP8, T5 and T6.

8.5 Planning Obligations and Viability

- 8.5.1 National Policy and CIL regulations outline the legal requirements for a valid Planning obligation. Policy KP7 is also relevant and the Council's approved Planning Obligations SPG provides further guidance.
- 8.5.2 With reference to the Community Infrastructure Levy tests and approved SPG, contributions of:
- £45,000 towards a raised table zebra crossing on Ty Glas Avenue adjacent to the leisure centre;
 - £15,000 towards improvements to the access road and Ty Glas Avenue junction to include tactile crossings and reduction in carriage way width;
 - £1,880 towards 4 litter bins within the locality;

In the interests of highway safety and the amenity of the area have been agreed to be paid by the applicant to negate concerns in this regard resulting from the proposal.

8.6 Other Matters

- 8.6.1 Policy EN10 and EN14 require water sensitive design solutions that do not increase risk of flooding elsewhere are incorporated within new developments. The proposal is supported by a drainage strategy that incorporates

sustainable drainage techniques and details that there will not be increased risk of flooding elsewhere.

- 8.6.2 Policies KP15, KP16 and EN8 seek to ensure that green infrastructure is protected and the effects of climate change associated with such loss are mitigated. The principle of the proposed development in this regard is considered acceptable, however, some further detail is required to ensure that appropriate landscaping is provided. Conditions are recommended in this regard.
- 8.6.3 Notwithstanding that the premises benefits from an existing lawful use and that the use of the premises is not material to consideration of this application given the comments received in respect of the potential negative impacts of the proposal on the health of the local population and proximity to local schools it should be noted that current National and Local Planning Policy contain no specific policies in this regard.
- 8.6.4 Crime and Disorder Act 1998 - Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.6.5 Equality Act 2010 - The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Councils duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 8.6.6 Well-Being of Future Generations Act 2016 - Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle 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). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact on the achievement of wellbeing objectives as a result of the recommended decision.
- 8.6.7 Environment (Wales) Act 2016 – The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.
- 8.6.8 Flood and Water Management Act 2010 – Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities

(e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

8.6.9 It should be noted that the value of property is not a material planning consideration.

8.7 **Conclusion**

8.7.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended, subject to S106 obligations and conditions, that planning permission be granted.

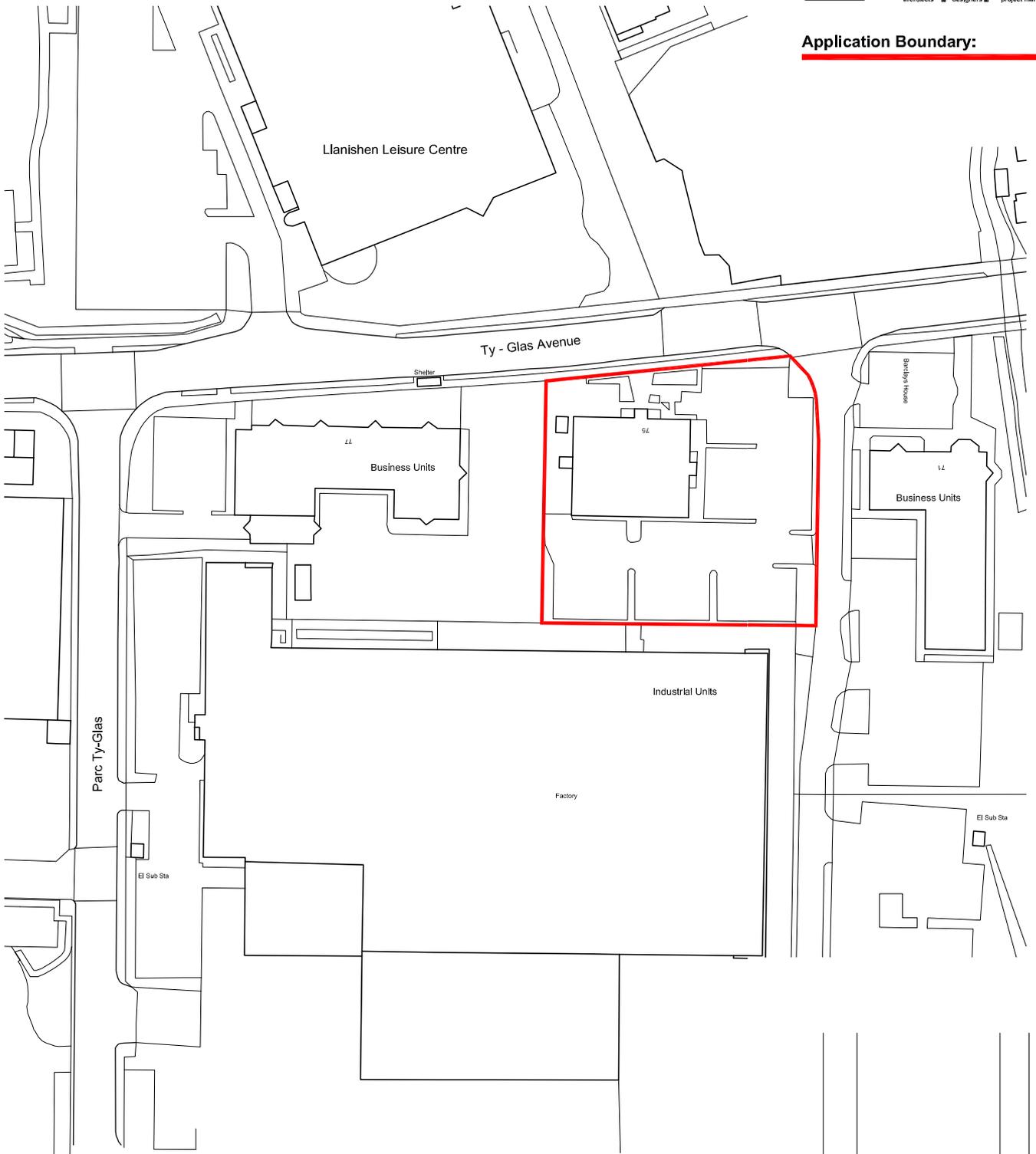


Scurr Architects
 85 Southdown Road
 Harrogate
 North Yorkshire
 HG2 7YU
 T: 01422 703999
 email@scurrarchitects.co.uk
 www.scurr.co.uk



architects ■ designers ■ project managers

Application Boundary:



Ordnance Survey (c) Crown Copyright 2019. All rights reserved. Licence number 100022432

REV.	DATE.	PLANNING ISSUE	DRAWING REVISIONS.	BY.	CHECKED
A	26.04.19	PLANNING ISSUE		EV	-

GENERAL NOTES:
 All works are to be undertaken in accordance with the Building Regulations and the latest British Standards.
 All proprietary materials and products are to be used strictly in accordance with the manufacturer's recommendations.
 All dimensions to be checked on site prior to construction.
 All risks assessed to comply with the designer's responsibility under the Construction (Design Management) Regulations 2015.

PROPOSED DEVELOPMENT AT
 Harvester, Ty Glas Avenue
 CARDIFF CF14 5DX

STORE No :-
 NB8061

ON BEHALF OF :-
 McDonald's Restaurants Ltd

DRAWING TITLE :-
 Site Location Plan

DRAWN BY: EV
 CHECKED BY: [Blank]
 DRAWING No.: 7763-SA-8061-AL01 A
 SCALE & SIZE: 1:1250@A4
 DATE: April 2019

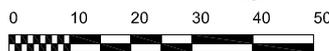
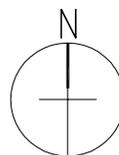


Scurr Architects
 85 Southdown Road
 Harrogate
 North Yorkshire
 HG2 7YU
 T: 01422 703999
 email@scurrarchitects.co.uk
 www.scurr.co.uk

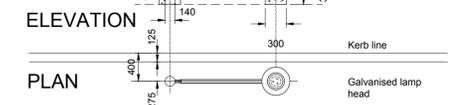
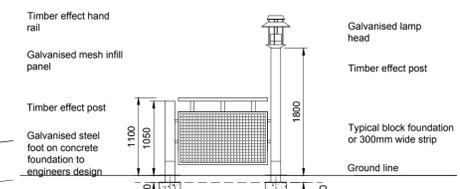
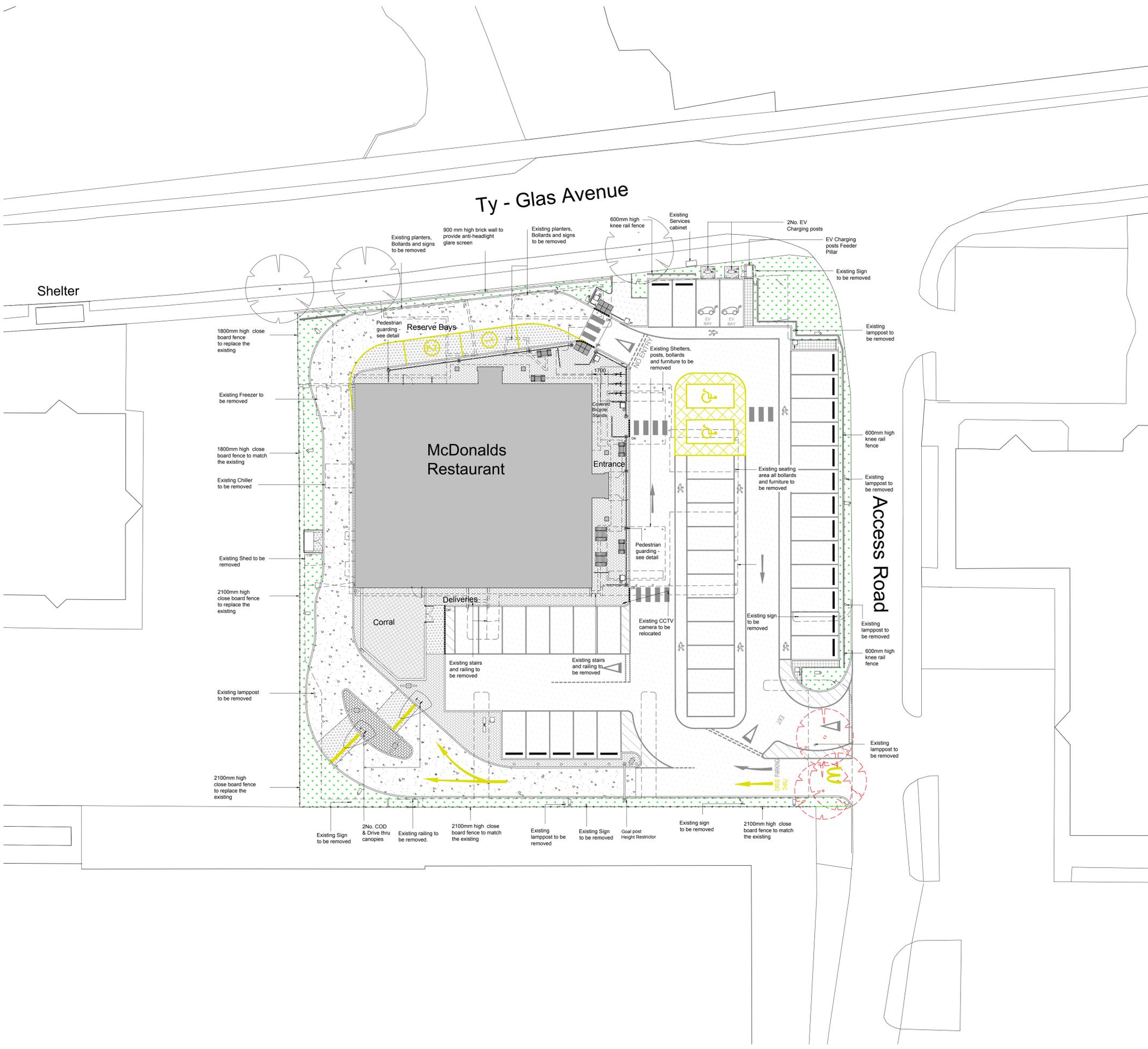


architects ■ designers ■ project managers

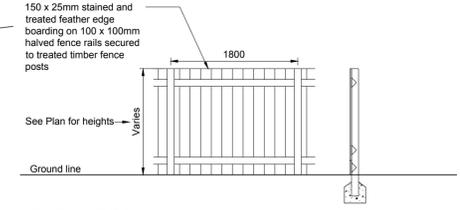
© Copyright McDonald's Restaurants & Scurr Architects



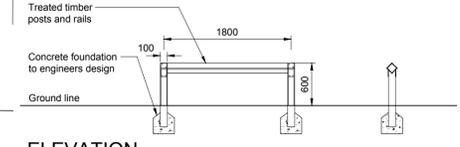
Scale in metres.



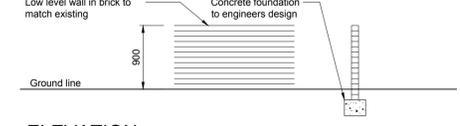
PEDESTRIAN GUARDING & LAMP POST DETAIL @1:50



CLOSE BOARDED FENCE @ 1:50



KNEE RAIL FENCE @1:50



BRICK WALL @ 1:50

General Site Proposal Notes:
 Golden arch road markings to be yellow thermoplastic.
 Drive thru related road markings to be yellow thermoplastic.
 Accessible parking bays to be lined in yellow thermoplastic - to current Part M standards.
 Parked order bays and numbers to be lined in yellow thermoplastic.
 All other road markings to be white thermoplastic material unless otherwise stated.

- Drop kerb - Adjacent to accessible parking, pedestrian crossings and along delivery routes.
- 6m Indicative lighting column - position to be confirmed by M&E consultant.
- Cranked Bollard - McDonald's standard cranked bollard, painted white.
- COD, PCC Aluminium Speaker Post (RAL 7022 Gray) 530w x 200d x 1570mm high with white acrylic canopy over 2390w x 3500d x 3000mm high.
- Height Restrictor - PPC black 150mm dia circular hollow section steel 'Goal Post' height restrictor with warning bar suspended on chains. With panel above to read 'Maximum Height 2.7m / 8' 10" White text on green background. O/A size = 4200mm wide x 3200mm high.
- Existing elements to be removed / demolished.
- Bollard - A safe-bollard heavy duty 225 OD 1200 mm high or similar approved.
- Electricity Kiosk - Green Electricity Meter Housing, 2005w x 1000d x 2270mm High.
- Instavolt Electric Vehicle Charging Point, 720w x 415d x 2230mm high. With 2No. SS Bollards.
- Instavolt Electric Vehicle Charging Point Feeder Pillar, 1250w x 600d x 2325mm high. External finish Green.

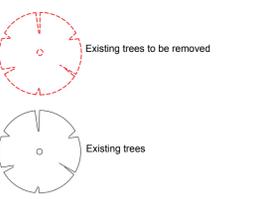


Notes:
 All drawings to be read in conjunction with all other drawings as noted on issue sheet.

- Proposed Site Finishes:**
- Tarmacadam - Car park and footpaths as indicated.
 - Charcoal imprinted concrete - Drive thru lane.
 - Marshalls 200 x 100mm Charcoal Keyblock paving - Patio.
 - Charcoal brushed concrete - delivery route.
 - Soft landscaping - see landscape architect drawing for details.
 - Marshalls 300 x 300mm Charcoal Metropolitan paving.
 - Brushed concrete - Corral.
 - Tactile blister paving.

External Fixtures & Fittings:

- Aubrilm - Range Euroline 3 Mix 2015 Electrogalvanised steel structure, PPC RAL 7022. Table legs made of extruded aluminium, PPC RAL 7022. Table seats & plate in 12mm HPL panel with 12mm beech plywood HPL veneer.
- Coffee table, single chair, bench, round table, and 2 seat table must be fixed to the ground.
- 4 Seat Rectangular Table.
- One Armrest Bench (left or right).
- Coffee Table.
- Single Chair.
- 2 seats - Rectangular Table.
- Dust Bin with "Tidy Man" Sticker.
- Target Trash Bin - Combo Delta Large Aperture Litter Bin by Glasdon. 530mm x 470mm high x 1550mm high. Bin body & door: Black.
- Ash Bin.
- Cycle Stand - Stainless steel Sheffield cycle stands @ 1000mm centres. Cover over to be Apollo Junior Cycle shelter 3.6m long.
- Pedestrian Guarding - 1500mm or 600mm long x 1100mm high. Timber effect galvanised steel.
- Wheel stop - 1800mm heavy duty rubber parking stop.



REV.	DATE	PLANNING ISSUE	DRAWING REVISIONS	BY	CHECKED
G	20.07.2019	Cycle stands amended and cover added		RJP	-
F	11.06.2019	EV Charging points indicated.		JK	-
E	14.06.2019	Headlight screen and car park layout updated.		NCC	-
D	29.05.2019	Drive toilet updated.		MR	-
C	28.05.2019	Counter waiting area omitted.		MR	NCC
B	17.05.2019	Patio layout updated. Drive Thru kerb moved back. Knee Rail fence added.		JS	NCC
A	28.04.2019	PLANNING ISSUE		BV	-

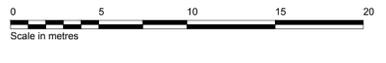
GENERAL NOTES:
 All works are to be undertaken in accordance with the Building Regulations and the latest British Standards.
 All proprietary materials and products are to be used in accordance with the manufacturer's recommendations.
 All dimensions to be checked on site prior to construction.
 All risks assessed to comply with the designer's responsibility under the Construction (Design Management) Regulations 2015.

PROPOSED DEVELOPMENT AT: **Harvester, Ty Glas Avenue, CARDIFF CF14 5DX**
 STORE No: **N8001**
 ON BEHALF OF: **McDonald's Restaurants Ltd**
 DRAWING TITLE: **Site Layout Plan As Proposed**

DESIGN BY: **BV** | CHECKED BY: **BV** | DRAWING NO.: **7763-SA-8061-P004 G**
 SCALE & SIZE: **1:200@A1** | DATE: **April 2019**

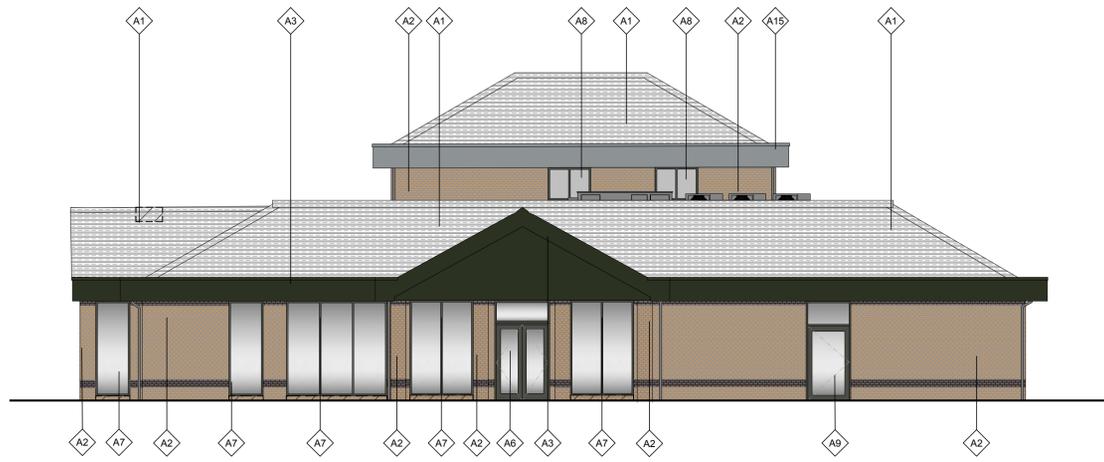


NON-MODEL

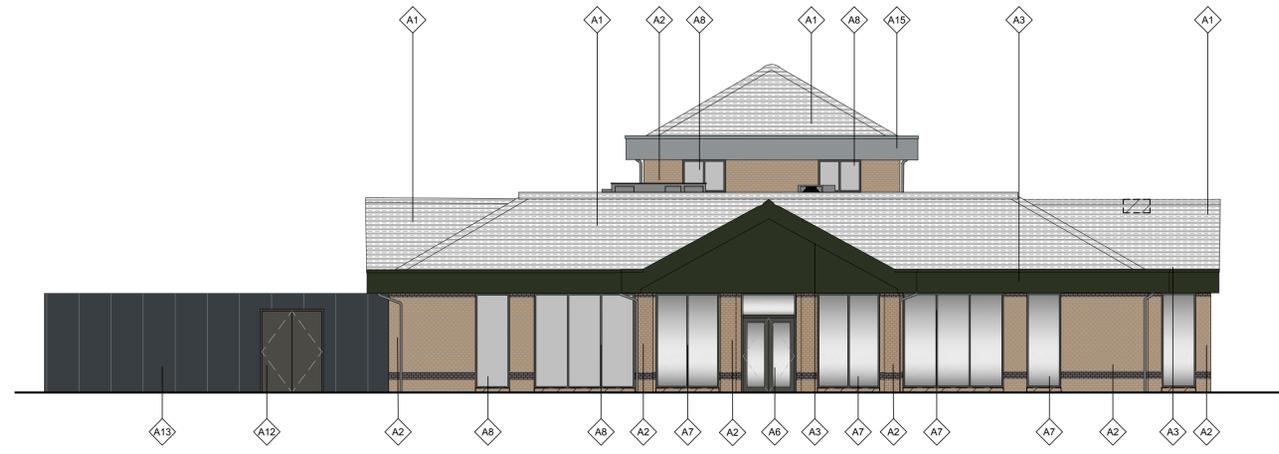


MATERIALS LEGEND

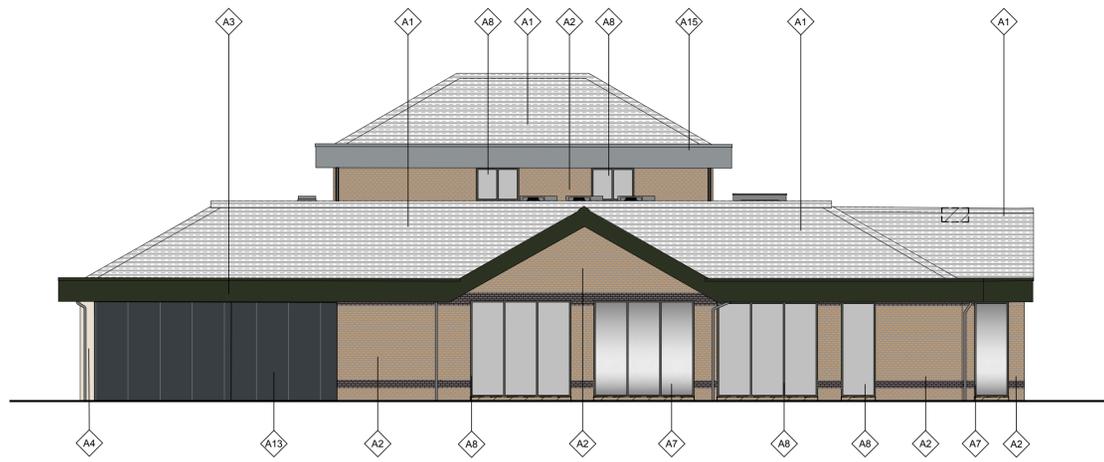
-  Existing Roof Tiles to be made good/replaced/cleaned where necessary
-  Existing Brickwork to be made good/replaced/cleaned where necessary
-  New Soffits and Fascias. Finished RAL 6007 Bottle Green. New down lighting to be installed in Soffits.
-  Render decorated white RAL 9001
-  Finish omitted
-  New Glazed Double Entrance door. PPC Frames RAL 7022 Umbra Grey
-  Existing Windows to be replaced with new. PPC Frames RAL 7022 Umbra Grey
-  Existing Windows to be replaced with new. PPC Frames RAL 7022 Umbra Grey. Frosted film.
-  New Glazed Swing Door. PPC Frames RAL 7022 Umbra Grey
-  New window decals. Letters RAL 9010. Backgrounds: "PAY" RAL 1023 "COLLECT" RAL 6018.
-  New Windows. PPC Frames RAL 7022 Umbra Grey
-  New Security Doors. Paint Frame and door leaf RAL 7022 Umbra Grey
-  Cladding Panel. 8mm Trespa Meteon panels. Colour: A25.8.1 Antracite Grey
-  Existing flashing to be made good/replaced/cleaned where necessary
-  Existing Soffits & Fascias to be made good/ replaced/ cleaned where necessary. Soffits to be painted grey to match Fascias.
-  Existing openings infilled to match existing where required



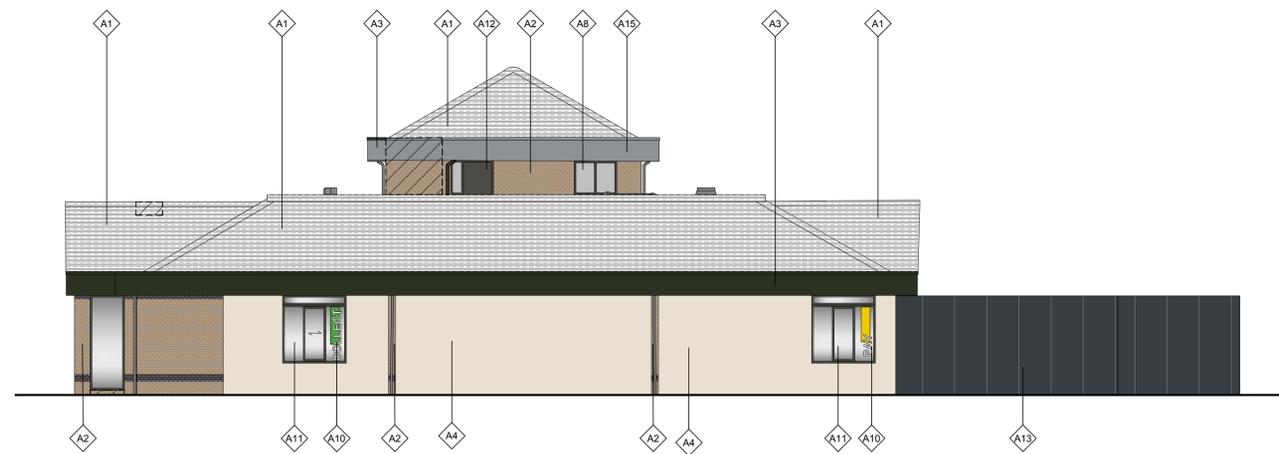
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

REV.	DATE	DESCRIPTION	BY	CHECKED
D	08.07.2019	New fascias and soffits to lower roof.	NCC	-
C	17.05.2019	Kitchen Windows omitted. Notes amended.	JS	NCC
B	29.04.2019	Existing clock towers removed. Annotations updated.	BV	-
A	29.04.2019	PLANNING ISSUE	BV	-

GENERAL NOTES:
 All works are to be undertaken in accordance with the Building Regulations and the latest British Standards.
 All proprietary materials and products are to be used strictly in accordance with the manufacturer's recommendations.
 All dimensions to be checked on site prior to construction.
 All risks assessed to comply with the designer's responsibility under the Construction (Design Management) Regulations 2015.

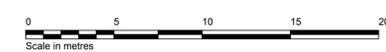
PROPOSED DEVELOPMENT AT
 Harvester, Ty Glas Avenue
 CARDIFF CF14 5DX

STORE No: -
 NB8061

ON BEHALF OF :-
 McDonald's Restaurants Ltd

DRAWING TITLE :-
 Elevations&Section
 As Proposed

DRAWN BY: BV
 SCALE & SIZE: 1:100@A1
 CHECKED BY: [blank]
 DATE: April 2019
 DRAWING NO.: 7763-SA-8061-P005 D



NON-MODEL

