

LOCAL MEMBER OBJECTION

PETITION IN SUPPORT AND 2 PETITIONS AGAINST THE APPLICATION

COMMITTEE DATE: 19/06/2019

APPLICATION No. **19/00459/MNR** APPLICATION DATE: 28/02/2019

ED: **LLANISHEN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Manjinder Singh

LOCATION: 30 FISHGUARD ROAD, LLANISHEN, CARDIFF, CF14 5PQ

PROPOSAL: CHANGE OF USE OF GROUND FLOOR FROM RETAIL TO AN A3 TAKEAWAY AND INSTALLATION OF FLUE

RECOMMENDATION: That planning permission be **REFUSED** for the following reason:

1. The premises are located in a primarily residential area outside an existing district or local centre and the proposed use is considered likely to result in nuisance and loss of amenity to adjoining and nearby residents by virtue of smell, noise, and general disturbance, particularly during the evenings. The proposal is therefore contrary to Policies R8 and EN13 of the Cardiff Local Development Plan and advice given in the Council's Supplementary Planning Guidance "Food and Drink and Leisure Uses".

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application proposes the change of use of a ground floor A1 retail unit to an A3 takeaway and installation of flue at 30 Fishguard Road. The premises measure 61.2 square metres and the submitted plans show a serving counter with customer seating area at the front of the premises and a food preparation area, store and a toilet cubicle to the rear of the premises. There is access via the kitchen to a rear yard to the rear of the premises. No external changes to the premises are proposed other than new signage.
- 1.2 Proposed opening hours are 10.00 am to 23.30 pm Monday to Saturday and 10.00 am to 22.00 pm on Sundays and Bank Holidays. The use would provide employment for 3 full-time equivalent staff. Access to the property will be made through the existing access at front of the property.
- 1.3 The application for the proposed fish and chips takeaway is supported by a 349 signature petition, which the applicant state clearly shows a need for such a facility in this locality.

2. DESCRIPTION OF SITE

- 2.1. The premises comprise a ground floor retail unit in a small parade of 4 retail units which front onto Fishguard Road located within a residential estate within the Llanishen area of the city. The parade is three storeys in height with residential flats being located directly above the retail units. The application premises are situated on the northern end of the parade and comprise a vacant retail unit (Use Class A1) formerly used as a convenience store, which ceased trading in November 2018. A footway is positioned in front of the property with on street parking available on Fishguard Road and surrounding streets. Other uses within the shopping parade include a bakery, kitchen showroom and convenience store.

3. SITE HISTORY

None

4. POLICY FRAMEWORK

- Planning Policy Wales (Edition 10, December 2018)
- Cardiff Local Development Plan 2006-2026
- Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
- Policy R8 (Food and Drink Uses)
- Policy T5 (Managing Transport Impacts)
- Policy W2 (Provision for Waste Management Facilities in Development)
- Supplementary Planning Guidance
- Managing Transportation Impacts (Incorporating Parking Standards) (2018)
- Waste Collection and Storage Facilities (2016)
- Food, Drink and Leisure Uses (2017)
- Planning for Health and Wellbeing (2017)

5. INTERNAL CONSULTEE RESPONSES

- 5.1 Operational Manager, Transport has been consulted and state that the property should provide a ramped access for those with wheelchairs, prams, etc and as the on-street parking in the vicinity of the premises is uncontrolled there is an opportunity for users of the proposed takeaway for short periods (depending on local demand). However they state the parking demand should be monitored to ensure no issues arise following establishment of the takeaway and they request a section 106 contribution of £5,000 to cover any monitoring, surveys and Traffic Regulation Orders which might be required. They also state that cycle parking (2 secure and covered long stay spaces for staff and 1 secure short stay space for visitors) should be provided in accordance with the Managing Transportation Impacts SPG.

- 5.2 Pollution Control have been consulted and have no objection to the proposal subject to conditions relating to hours of operation, opening hours, plant noise and extraction of fumes from kitchen areas.
- 5.3 Operational Manager, Waste Management comments that a change of use from A1 to A3 may lead to an increase in the volume of waste produced and current plans make no reference to the storage of waste and recycling. They state that all A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at the front of the unit during opening hours and removed from the highway during closing hours. (Please refer the applicant to Paragraph 5.12 of the Food, Drink and Leisure Uses Supplementary Planning Guidance: 2017). They also request that the agent/applicant be advised that a commercial contract is required for the collection and disposal of all commercial waste (see extract from the Waste Collection and Storage Facilities SPG below):

Commercial Development

By law (Environmental Protection Act, 1990, section 47) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on 029 20717500.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1. Welsh Water have been consulted and suggest a condition be included to provide a grease trap and advisory notes are provided relating to the connection to the public sewer.
- 6.2. South Wales Police have no objection to the application and state:

Llanishen is a large residential area of Cardiff, located on the North of the city. South Wales Police comment that the Llanishen area of Cardiff is an area of mixture residential, commercial developments. Fishguard Road, Llanishen is surrounded by residential and commercial properties. 30 Fishguard adjacent to other commercial property, overlooking other residential homes/flats, with a school nearby.

Llanishen has crime and disorder levels which could be described as average with 1577 occurrences being recorded in 2018. Fishguard Road has 50 recorded occurrences of which 32 were violence related and 15 were anti-social behaviour and 3 were drugs related. The major concern raised in the area will additional car parking, whilst the drivers or residents are collecting food and attending other commercial properties.

South Wales Police have no objection in relation to the above application.

South Wales Police would make the following recommendations:

1. Times operation- 08.00 -23.30 hrs.

Reason -To reduce anti-social behaviour and residential amenity.

2. Should permission be granted then this should be on a temporary basis
Reason- to allow a future review of impact on local problems.

- 6.3. Cardiff and Vale Local Health Board have been consulted in view of the nature of the objections received to the application and state:

I am writing in relation to the letter received by yourselves from Mr Paddock, regarding the proposal for a takeaway at 30 Fishguard Road, Llanishen.

Mr Paddock raised a number of health and wellbeing concerns in his letter which I have reviewed and considered in putting together my response. He makes a number of points and quotes several policies and guidance documents which are of key relevance to this proposal.

Cardiff and Vale University Health Board has a responsibility for the health and wellbeing of our local population, and over recent years we have worked closely with Cardiff Council to develop work in relation to planning and public health. This includes the production of the “Planning for Health and Well-being” Supplementary Planning Guidance (Nov 2017), and a recent briefing paper “Obesity, Hot Food Outlets and Planning in Cardiff”.

The proposed development is within an area of deprivation, falling within the 2nd most deprived of the 5 rankings outlined by the Welsh Index of Multiple Deprivation 2014. It is also an area with high levels of childhood obesity, with between 11.3% and 12.9% of 4 to 5 year olds being recorded as obese by the Child Measurement Programme for Wales. Levels of obesity are generally higher in areas of high deprivation, where poorer levels of health and well-being are often seen in a number of other ways, for example through lower levels of physical activity. In Cardiff as a whole, 10.7% of 4 and 5 year olds are obese (23.9% are overweight or obese), and 18% of adults are obese (56% are overweight or obese) (National Survey for Wales 2017/18).

Research would indicate that where fast food outlets are positioned near to schools, children attending those schools are more likely to be obese than those whose schools are more inaccessible to such outlets (Currie et al 2009), and that there is a significant association between levels of childhood obesity and the density of fast food outlets (Beynon et al 2019). One important action that can be taken to address the levels of obesity is to help people make easy choices for accessing healthy food, and restricting access to unhealthier options through modification of the physical environment.

Cardiff’s Local Development Plan Key Policy KP14 specifies that Cardiff will be made a healthier place to live, encourage healthy lifestyles and address social determinants of health.

Cardiff's Planning for Health and Well-being SPG highlights that “the positioning of hot food takeaways in communities is known to influence the health of communities”. This SPG outlines the key role that planning authorities can make in influencing the built environment to improve health and reduce the extent to which the environment promotes obesity.

In the recently published “**Healthy Weight, Healthy Lives, our national ambition to prevent and reduce obesity in Wales**” Welsh Government consultation document, specific mention is made of the importance of the environment in enabling healthy food choices.

The **Obesity, Hot Food Outlets and Planning in Cardiff** briefing paper written by Cardiff Council and Cardiff and Vale University Health Board/PHW Public Health Team provided an overview of the current situation in Cardiff with regard to the number of A3 premises, how these related geographically to high levels of childhood obesity and deprivation data. The mapping work carried out suggested that there is a relationship between deprivation, school location and hot food outlet density. Where a school was within 400m of a hot food outlet they were marked as red on the map. It was recommended in the paper that any changes to the current situation should be recorded and monitored where there is a risk of any school turning red. The nearest school to this particular proposal is Coed Glas Primary School, which is currently green on the map as it is not within 400m of an outlet. If this proposal were to be granted, this school would turn red as it is approximately 200m from the site.

Coed Glas Primary School has recently done some excellent work to encourage healthier eating amongst its pupils and as such granting planning permission for a takeaway so close to this school would be detrimental to this work.

Taking all of the above into consideration, Cardiff and Vale UHB would support Mr Paddock’s reasons for objecting to this proposal on the grounds of health and well-being.

- 6.4. An objection to the application has been received from the Head Teacher of Coed Glas Primary School, which is set out below:

I am writing regarding the planning proposal for a Fish and Chip takeaway at 30 Fishguard Road, Llanishen. This application has been brought to my attention by a local resident and parent of a past pupil of the school.

Coed Glas Primary School is located close to Fishguard Road and nearly all of the local children attend our school. We are very proud to serve this community and work tirelessly with the children, their families and local partners to provide the best possible educational experiences.

One of the key areas of our work is health and wellbeing and we are very pleased to see that this crucial area of education is being recognised in the new Curriculum for Wales, ‘Successful Futures’. Over the last 6 years our work to

promote healthy lifestyles has been recognised by Public Health Wales through their ‘Healthy Schools’ award. We have achieved each of the 5 stages of the award through a range of educational initiatives including healthy eating, pupil voice, physical activity, mental health, healthy relationships, support for vulnerable children and sustainability. Our next aim is to apply for the National Award which very few schools in Wales have achieved.

We provide a healthy, free breakfast club, healthy snacks at break times and our school kitchen ensures that food prepared in school meets strict health guidelines.

The proposal to establish a Fish and Chip takeaway so close to the school is a significant concern, particularly as there is already such an establishment in Llanishen Village.

I have read with interest the response from Cheryl Williams, Principal Health Promotion Specialist for Public Health Wales who visited our school before Easter. Cheryl presents a number of compelling arguments against this proposal. In particular:

‘Research would indicate that where fast food outlets are positioned near to schools, children attending those schools are more likely to be obese than those whose schools are more inaccessible to such outlets (Currie et al 2009), and that there is a significant association between levels of childhood obesity and the density of fast food outlets (Beynon et al 2019). One important action that can be taken to address the levels of obesity is to help people make easy choices for accessing healthy food, and restricting access to unhealthier options through modification of the physical environment.’

In addition, ‘The Obesity, Hot Food Outlets and Planning in Cardiff briefing paper written by Cardiff Council and Cardiff and Vale University Health Board/PHW Public Health Team provided an overview of the current situation in Cardiff with regard to the number of A3 premises, how these related geographically to high levels of childhood obesity and deprivation data. The mapping work carried out suggested that there is a relationship between deprivation, school location and hot food outlet density. Where a school was within 400m of a hot food outlet they were marked as red on the map. It was recommended in the paper that any changes to the current situation should be recorded and monitored where there is a risk of any school turning red. The nearest school to this particular proposal is Coed Glas Primary School, which is currently green on the map as it is not within 400m of an outlet. If this proposal were to be granted, this school would turn red as it is approximately 200m from the site.’

Furthermore, I am very concerned that agreeing to a fast food establishment on a residential estate may well lead to an increase in anti-social behaviour in the evenings. This would have a detrimental effect on the children, their families and the community.

Taking all of the above into consideration, Coed Glas Primary School would object to this proposal on the basis of children's health and wellbeing.

7. REPRESENTATIONS

- 7.1. The application was advertised by site notice and neighbouring occupiers have been consulted by letter.

PETITIONS

- 7.2. One petition of 349 signatures has been submitted in support of the application. This states:

We the undersigned wish to support the planning application for the proposed Fish and Chips at 30 Fishguard Road, Llanishen, Cardiff. There is no such facility in this local centre. This is a local centre catering for a very large residential area. This need was expressed for many years and now we have someone willing to invest. We fully support this much need Fish and Chips Take Away.

- 7.3. Two petitions objecting to the application have been received from local residents.
- 7.4. One petition of 94 signatures has been submitted stating “*We hereby support the objection to a hot food takeaway proposal in Fishguard Road adversely affecting school children, community health and wellbeing and deteriorating the right to residential amenity in this residential area*”.
- 7.5. A second petition of 32 signatures (as at 23rd April 2019) has been created on change.org stating:

Latest research shows unhealthy diet is THE BIGGEST cause of early death and disability, beating smoking and drinking (The Lancet Medical Journal).

In England the law can prohibit fast food outlets opening next to schools, therefore protecting children from obesity. This is not the case in Wales, so, we must take it on ourselves to protect our children.

This petition was started to protect a local school in Cardiff but this issue an issue that needs to take precedent in Wales. We are specifically objecting to planning application 19/00459/MNR for a fast food takeaway on 30 Fishguard Rd, Llanishen, Cardiff, CF14 5PQ. This is just 200m from Coed Glas Primary School and is also en route for many children from Llanishen High School. This means, on a school day these children will pass this premises twice a day, everyday. This proposal puts these children at great risk. Please protect our children today by signing this petition.

<https://www.change.org/p/childhood-obesity-increased-by-fast-food-outlets-near-schools-stop-this-now>

OBJECTIONS

- 7.6. An objection to the application has been received from the Local Member Councillor Shaun Jenkins who states myself and colleagues strongly oppose this application.

- 7.7. In addition to the petitions overall 204 objections have been received to the application from local residents. These are broken down as follows:
- 7.8. 99 objections to the application have been received from local residents using the standard letter set out below. A graphic was also included stating that “Bad diet is the biggest cause of early death and disability in the world” and stating “Please protect our right to live happy healthy lives in a residential area and say no to takeaways near our schools”. The graphic also shows an obese adult and child using insulin and medication as an example of “We don’t want this” and a fit adult and child playing football as an example of “We want this”.

I/We would like to object to this planning proposal and request the council to: -

- *Protect our local children's health and well being*
- *Protect our right to residential amenity in a residential area*
- *Protect our neighbourhood from associated noise, disturbance, smell and traffic hazards*
- *Protect this area from the hazards of becoming an unmanaged night time economy venue*
- *Protect the local character and planning precedents of the local area*
- *Safeguard our communities future opportunities for health and wellbeing*
- *Protect our school children from a known harm being positioned near to a school entrance*
- *Protect our school children from a known harm being positioned on their daily commute*

We are aware that poor diet is now responsible for more deaths and early disability than any other risk factor

**([https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)30041-8/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30041-8/fulltext)). It is now the biggest preventable risk of death in the world.*

We are aware that positioning a hot food takeaway near to school premises has been linked to increasing levels of overweight and obesity in school age children.

We are aware that in England planners can use the law to prevent such proposals. We ask that you, as a public body, use your powers to provide the same level of protection to our local Welsh children that can be provided to English children.

We ask that you abide by the aims of Welsh health and wellbeing related legislation, policies, strategies and guidance to interpret the Local Development Plan in light of these considerations and current evidence to protect our community from a known hazard and protect our right and expectation of enjoying ongoing residential amenity by refusing this application.

- 7.9. In addition 63 objections to the application have been received from local residents using the following amended letter. Again a slightly amended graphic was also included stating that “Bad diet is the biggest cause of early death and disability in the world” and stating “Please protect our right to live happy healthy lives in a residential area and say no to takeaways near our schools”. The graphic

also shows an obese adult and child using insulin and medication at the school gates as an example of "We don't want this" and a fit adult and child playing football as an example of "We want this". In addition an obese figure is shown with a pound symbol at the bottom of the page.

I/We wish to this planning proposal to put a fish and chip shop near our school(s) and request the Council to :

- *Protect our local children's health and well being*
- *Protect our school children from a known harm being positioned near to a school entrance*
- *Protect our school children from a known harm being positioned on their daily commute*
- *Protect against the known risk to areas of deprivation of hot food takeaways near schools causing early death and disability to the community and children*
- *Protect our right(s) to residential amenity in residential area(s).*
- *Protect our neighbourhood(s) from associated noise, disturbance, smell and traffic hazards*
- *Protect our area(s) from becoming hazardous unmanaged night time economy venue(s)*
- *Protect the local character and planning precedents of the local area and existing lease restrictions that maintain residential amenity and a food environment conducive to the opportunity for happy healthy family lives.*
- *Safeguard our communities future opportunities for health and wellbeing*

We/you are aware that poor diet is now responsible for more avoidable deaths and early disability than any other risk factor E.g.

**([https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)30041-8/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30041-8/fulltext)). (WHO describe obesity as reaching epidemic levels etc).= Now biggest risk of early death and disability in the world beating tobacco and alcohol.*

We/you are aware that in such areas commercial pressures to position hot food takeaways near to school premises are linked to increasing levels of overweight and obesity in school age children. (Briefing Paper Obesity, Hot Food Outlets and Planning in Cardiff:-CC&PHW)

We/you are aware that in England area planners can use their powers to prevent such proposals. We ask that you, as a public body, use your powers to provide the same level of protection to our local Welsh children that can be provided to children in England (E.g. area of Gateshead Council).

We ask that you abide by the aims of Welsh health and wellbeing related legislation, policies, strategies and guidance to interpret the Local Development Plan in light of these considerations and current evidence to protect our community from a known hazard and protect our right and expectation of enjoying ongoing residential amenity in an environment conducive to ongoing health and wellbeing by refusing application 19/00459/MNR.

We understand a local authority may be in a difficult position through receiving

increased rate revenue by approving such a proposal. We understand the duties and responsibilities of a public body to protect the health and future wellbeing of school children, families and residential areas override any such conflict of interest. We request the local authority to uphold the aims of our country's legislature and protect Welsh children from commercial exploitation.

- 7.10. In addition 29 objections to the application have been received from local residents using the following amended letter (graphic included):

I would like to object to this planning proposal as it fails to:-

- *Protect our local children's health and wellbeing.*
- *Protect our right to residential amenity in residential area.*
- *Protect our neighbourhood from associated noise, disturbance, smell and traffic hazards.*
- *Protect this area from the hazards of becoming an unmanaged night time economy venue.*
- *Protect the local character and planning precedents of the local area.*
- *Safeguard our communities future opportunities for health and wellbeing.*
- *Protect our school children from a known harm being positioned near to a school entrance.*
- *Protect our school children from a known harm being positioned on their daily commute.*

In addition I would like to point out:-

- *Poor diet is now responsible for more avoidable deaths and early disability than any other risk factor*
**([*In closing can I ask that you abide by the aims of Welsh Health and Wellbeing related legislation, policies, strategies and guidance to interpret the Local Development Plan. In light of these considerations and current evidence please protect our community for a known hazard and protect our right and expectation to enjoy ongoing residential amenity in an environment conducive to ongoing health and wellbeing by refusing application 19/00459/MNR.*](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30041-8/fulltext). It is now the biggest non-communicable risk of death in the world.</i>• <i>Positioning a hot food takeaway near to school premises has been linked to increasing levels of overweight and obesity in school age children.</i>• <i>In England planners can use the law to prevent such proposals. I ask that you, as a public body, use your powers to provide the same level of protection to our local Welsh Children in Wales, as that which is provided to English Children in England.</i></div><div data-bbox=)*

- 7.11. 10 objections have been received from local residents supported by a comprehensive letter (38 pages) objection which is summarised below:

The proposal is clearly:-

Introducing a material hazard into a residential area adversely affecting –

- *Public health*
- *Children's health, future wellbeing and opportunity*
- *Population obesity levels by directly facilitating further increase*
- *Traffic disturbance, parking problems and pedestrian hazard*
- *Night time noise and disturbance*
- *Unsuitable development of an unmanaged night time economy*
- *Strategic planning objectives national and local*
- *Strategic health objectives national and local*
- *The opportunity for the local population to live healthy lifestyles*
- *Commuting routes to and from three proximal local schools*
- *An area immediately proximal to a school entrance*
- *The original planning concept of the estate to maximise opportunity for healthy living*
- *The Local Authority capacity to provide future care to those negatively affected*
- *Littering*
- *Likelihood of night time street disturbances*
- *Social cohesion through an increased customer base for illicit street selling activities*
- *Significant fire risk to residential flats above*
- *Precedent of A3 usage proposal refusal in this area (multiple former applicants)*
- *Introduction of hazardous substances to a residential community in terms both of unhealthy food and airborne particulates known to cause cancer and pulmonary damage*
- *Loss of residential amenity and local character*

The adverse effects created by this proposal cannot be overcome by planning conditions or obligations as they are intrinsic to the operation of the unsuitable proposal.

This proposal will create a long term olfactory disturbance.

The proposal will adversely affect the entire surrounding area undermining resident's right to enjoy the ambience and amenity of a residential area.

7.12. Finally 3 individual objections have been received from local residents please see below:

We would like to object to the above application given the location's proximity to local schools and the current obesity levels of children, and the disturbance to nearby residents.

This proposal will create a long term olfactory disturbance, increased litter and associated vermin, increased anti-social behaviour, and will adversely affect the entire surrounding residential area.

There is already a takeaway facility in nearby Llanishen village for people to use.

19/00459/MNR Objection. I received no planning notice of this and must object in the strongest terms. I have a six year old and have been trying to teach him about healthy food and living thus attempting to address the threat of childhood obesity. The building is less than a 100 meters from my house and is not acceptable

Good morning

Yesterday I was made aware of an application to open a fish and chip shop on Fishguard Road. I have received no formal notification of this proposed plan despite living approximately 100m from the proposed shop. I have also been informed that it is proposed that this business is to be open until 11.30pm.

I am horrified by this proposal. This is a residential area, full of children and very near a primary school. There is already a problem with youths congregating outside the existing grocery store next door to the proposed venue. There is a lot of litter and packaging left around at all times. If this proposed fish and chip shop is allowed to proceed the area and house prices will be negatively affected. This is a residential area and we have the right to bring up our children in a safe and healthy environment, without noise pollution, litter and an increased number of people on our streets late at night.

Please can you let me know why local residents have not been notified of this plan.

8. ANALYSIS

- 8.1. The application site falls within the settlement boundary as defined by the Local Development proposals map and has no specific designation or allocation. The application premises comprise a vacant retail shop (Use Class A1) located within a small parade of 4 retail shops with residential accommodation above.
- 8.2. Para 5.282 of the LDP states notes that in addition to local centres identified on the proposals map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities. Proposals that could lead to the loss of such local shops will be assessed having regard to the role of those shops in meeting local shopping needs and the viability of the premises for continued shopping use.
- 8.3. The key issues are the effect of the proposal upon residential amenity (with particular regard to noise, disturbance, litter and smells).
- 8.4. The application premises are currently vacant. The proposal should be assessed against Policy R8: Food and Drink Uses which identifies that food and drink uses are most appropriately located in the city centre (Central Business Area), the inner harbour/waterfront area of Cardiff Bay (Bay Business Area) and District and Local Centres. Food and drink uses are unlikely to be acceptable within or adjacent to residential areas, where they would cause nuisance and loss of amenity, or result in the loss of a residential property. Also of relevance is Food, Drink and Leisure Uses SPG (November, 2017).

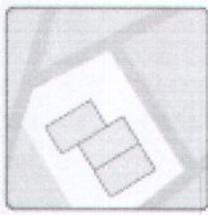
- 8.5. Paragraph 5.4 of the SPG states that hot food takeaway units within close proximity to residential units will not be considered acceptable where there may be significant adverse impacts on residential amenity in terms of noise, odours, traffic, litter etc. which cannot be mitigated.
- 8.6. Paragraph 5.6 states that it is not normally considered acceptable to locate hot food takeaways outside of designated centres where they are directly adjacent to residential properties, or where there is a residential premises directly above the takeaway.
- 8.7. In this respect it is noted that the application premises are located in a residential area outside any defined district or local centre or other designated centre defined in the Local Development Plan. In addition there are residential flats immediately above the premises at first and second floor level and adjoining the premises at first and second floor above 32 Fishguard Road to the south. There is also residential accommodation nearby to the east, west and north on Fishguard Road and St Dogmeal's Avenue. In this respect it is noted objections to the application have been received from local residents in terms of adverse impacts on residential amenity including issues relating to night time noise and disturbance, odours, traffic, litter, parking problems, etc.
- 8.8. Given the advice set out above and the objections received from local residents, it is considered that the proposals would be contrary to policies in the adopted Local Development Plan and the approved Food, Drink and Leisure Uses SPG and likely to result in nuisance/loss of amenity to the occupiers of adjoining and nearby residential accommodation by virtue of smell, noise and general disturbance, particularly during the evening.
- 8.9. The comments raised by objectors in relation to potential negative impacts of the proposal on the health of the local population and proximity to local schools are noted. However, the LDP, Food Drink and Leisure Uses and Planning for Health and Well-being SPG's have no specific policies to refuse the application on health grounds. In addition Health Impact Assessment (HIA) is not a statutory requirement for this type of development.
- 8.10. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the recommended decision.

9. **CONCLUSIONS**

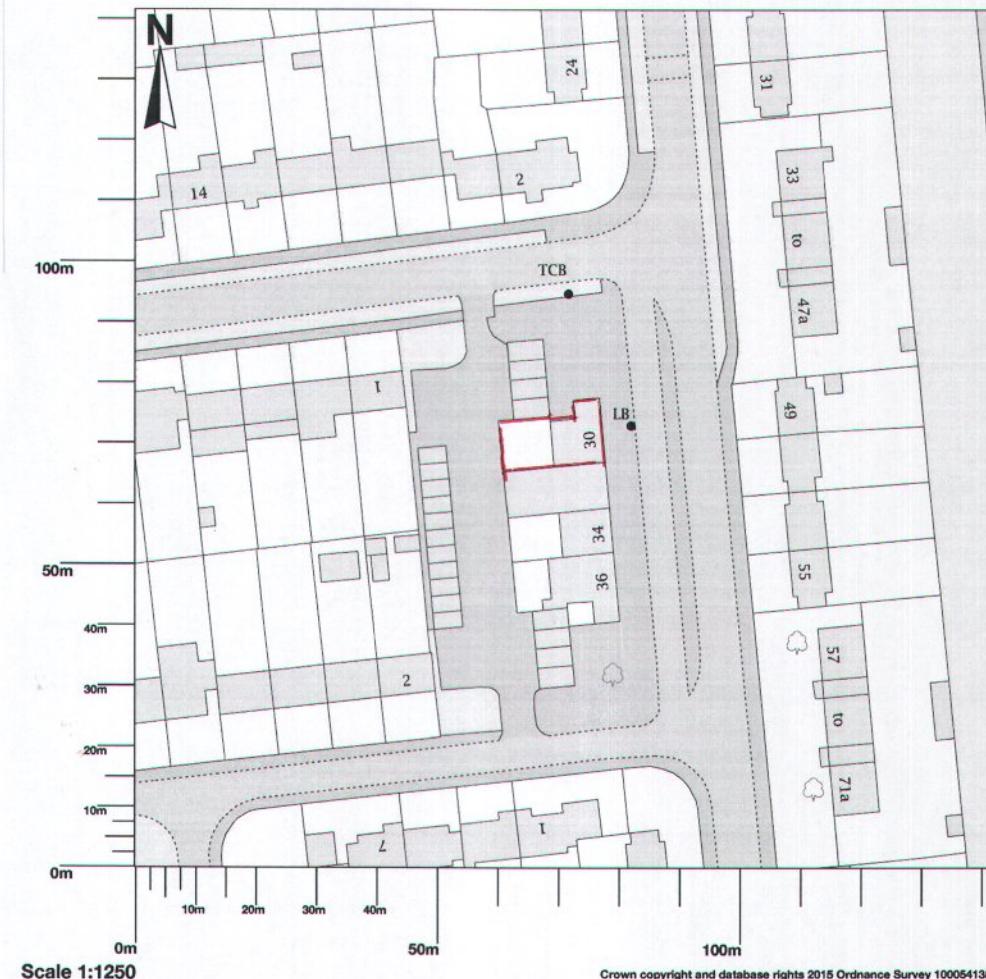
- 9.1. Further to the consideration of the matters and content of this report refusal of the application is recommended.
10. **Other Legal Considerations**
- 10.1 *Crime and Disorder Act 1998* - Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various 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.

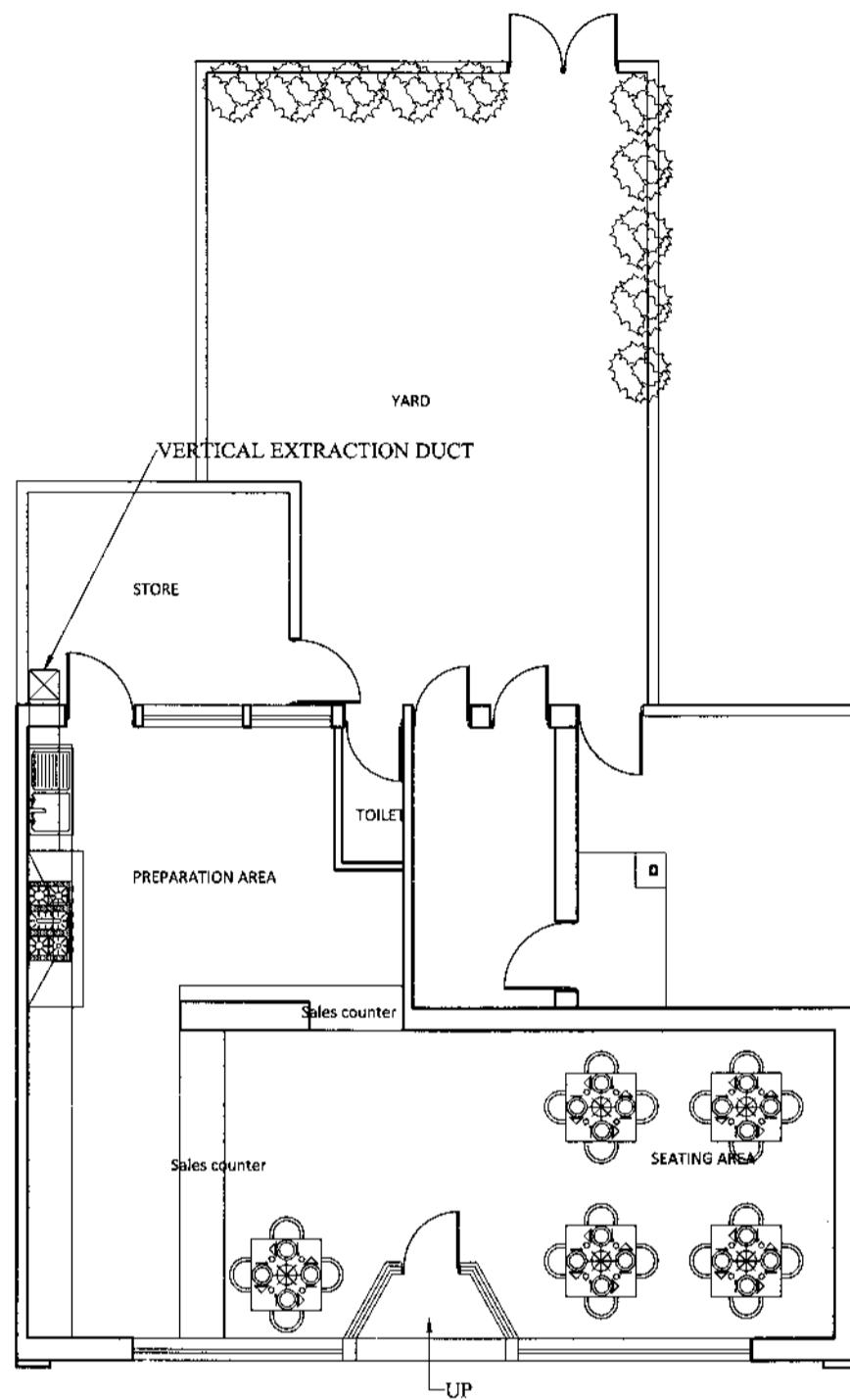
- 10.2 *Equality Act 2010* - The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Councils duty under the above Act has been 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.
- 10.3 *Well-Being of Future Generations Act 2016* - Section 3 of this Act imposes a duty on public bodies to carryout 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.



**Fishguard Road Food Store, 30 Fishguard Road, Llanishen, Cardiff,
CF14 5PQ**



19 00459



PROPOSED GROUND
FLOOR PLAN

19 / 00459

© This drawing is copyright. Do not Scale.
Contractor to check all dimensions on site and to
report any discrepancies directly to the SO.

Date: FEB 2019

Project: 30 FISHGUARD ROAD

Client:

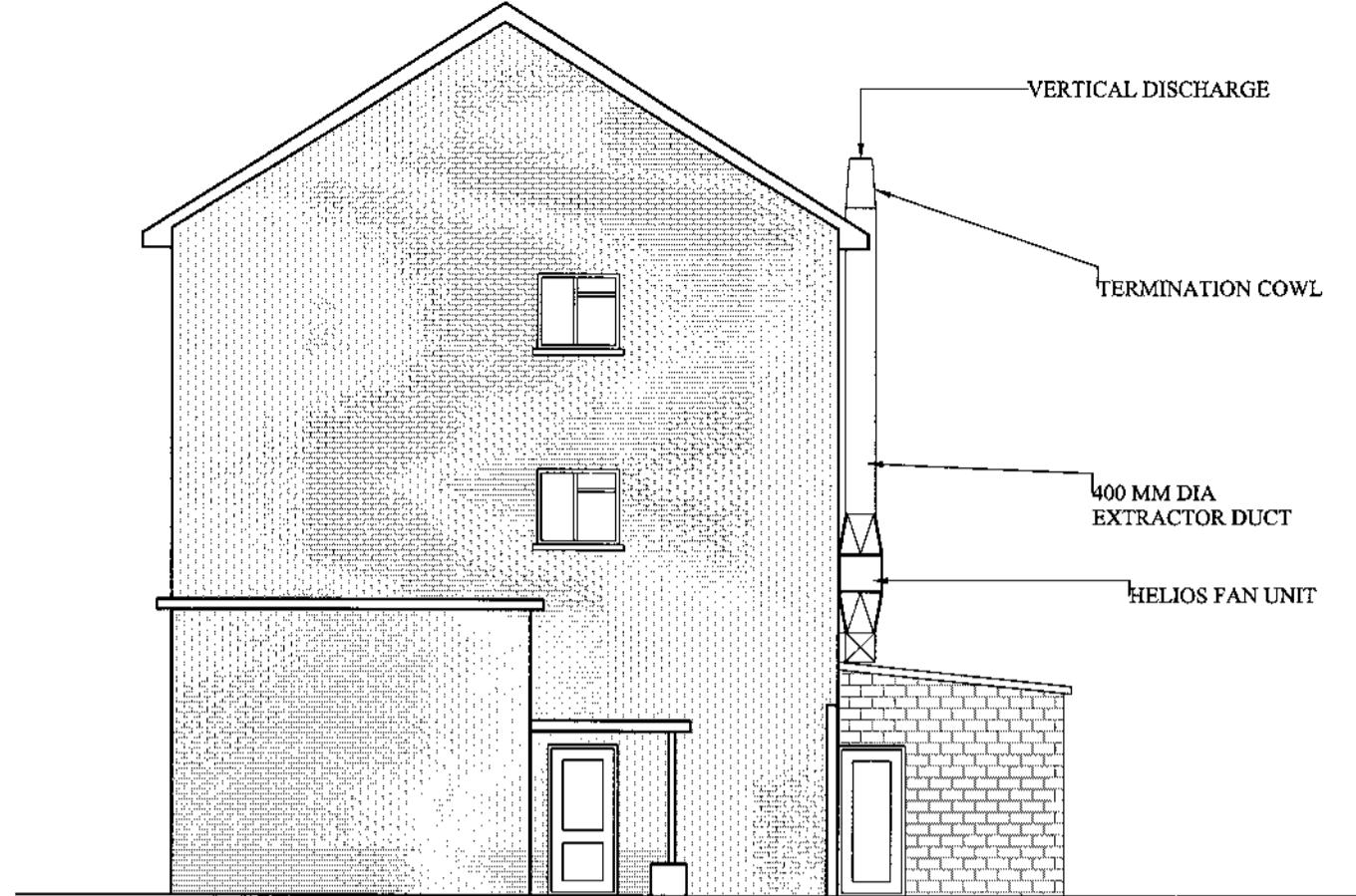
Description:
PROPOSED PLANS

Job No: 1:100
ON A3

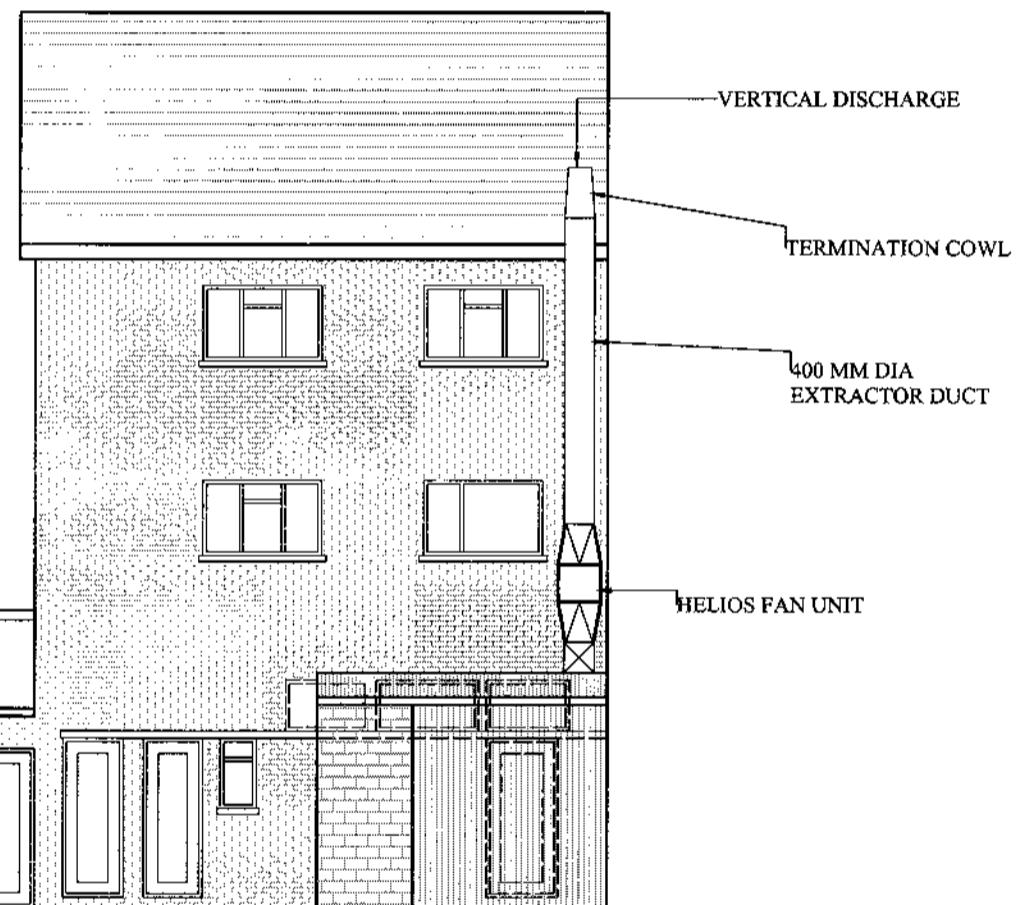
Dwg No: 201
Drawn By: KG



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PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED PART FRONT ELEVATION

19/00459

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Date: FEB 2019		
Project: 30 FISHGUARD ROAD		
Client:		
Description: PROPOSED ELEVATIONS	Job No:	Scale: 1:100 ON A3
	Dwg No:	Drawn By: KG
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