

APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0934/FULL 19.12.2011	Trustees Of Llanover Estates 23A Gold Tops Newport NP20 4UL	Erect freestanding restaurant with associated drive thru, car parking and landscaping Newbridge Gateway Bridge Street Newbridge Newport NP11 5GH

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Adjoining the north-western side of the roundabout junction of the A472 Newbridge Bypass with the A467.

Site description: The site comprises the undeveloped portion of the 'Newbridge Gateway' site adjoining the Newbridge Bypass and roundabout. The site is served by a single access towards the northern end of the site frontage to Bridge Street on the eastern side of the site. The western part of the site, adjoining the Ebbw River, is occupied by a block of offices and a public house. The site is relatively flat with a small banking adjoining the roundabout at a slightly higher level. To the north of the site is the Newbridge Rugby Club ground, to the south (on the opposite side of the A472) are playing fields, and to the east (separated by Bridge Street and the route of a former canal) is the rear of dwellings fronting Pant Road.

Development: Erection of freestanding restaurant with associated drive-thru, car parking and landscaping.

Dimensions: The restaurant would measure 33m x 13.4m, with a height of 5.5m.

Materials: Natural stone facing blocks, wood-effect cladding, vertical timber battens and colour-coated aluminium slats.

Ancillary development, e.g. parking: The scheme incorporates 28 parking spaces.

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PLANNING HISTORY

P/96/0487 - Erect 30,000 sq ft office development - Granted 03.10.96.

P/04/0570 - Erect three storey office building and fast food restaurant, public house and restaurant with associated parking - Granted 09.12.04.

P/05/0001 - Erect various Brewers Fayre signs and advertisements - Granted 03.03.05.

11/0935/ADV - Install one height restrictor, seven freestanding signs, two banners and nine dot signs - Not Yet Determined.

11/0936/ADV - Erect 7 no. fascia signs - Not Yet Determined.

11/0937/ADV - Install freestanding pole sign - Not Yet Determined.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site lies within the settlement boundary and the Newbridge Gateway commercial development site.

Policies: SP6 (place making), SP17 (promoting commercial development), CW2 (amenity), CW3 (design considerations - highways) and CW15 (general locational constraints).

NATIONAL POLICY: Planning Policy Wales and TAN 12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions regarding alterations to the estate road and the provision of the parking areas.

Head Of Public Protection - Objects on the basis that the proposal is contrary to the Council's Health, Social Care and Wellbeing Strategy.

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Senior Engineer (Land Drainage) - Offers advice with regard to the surface water drainage of the development.

Dwr Cymru - Requests conditions concerning the drainage of the development.

Police Architectural Liaison Officer - Advice given on security issues relating to the development.

Environment Agency (Wales) - No comments received.

Senior Engineer (Consultancy Manager) - No observations.

Glam/Gwent Archaeological Trust - There is potential for archaeological remains associated with the canal and a house to be present, and it is recommended that a condition requiring the appointment of an archaeologist to conduct a watching brief is attached to any permission.

ADVERTISEMENT

Extent of advertisement: The occupiers of 15 neighbouring properties were notified by letter and site notices were displayed.

Response: Nine letters/E-mails.

Summary of observations:

The site is close to Newbridge Comprehensive School and Newbridge Leisure Centre, and on the route between the School and playing fields, and the proposed fast food takeaway in this location is contrary to their healthy eating policies and the Council's own health and wellbeing strategy.

- There are already too many eating places in Newbridge town centre.
- The facility would encourage Comprehensive School pupils to truant or abscond.
- The facility would be detrimental to highway safety, on a route to school and between the school and playing fields, by virtue of the proximity of the access to the roundabout and the inevitable increase in already high volumes of traffic entering and leaving the site.
- There is already a deficiency of parking provision within the site leading to congestion, this situation will be exacerbated by the proposed facility which itself will have inadequate parking provision.

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- The facility would give rise to a problem of litter in the area.
- The facility would give rise to anti-social behaviour.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Late-night opening of such establishments has the potential to give rise to anti-social behaviour. There are dwellings within 50m of the proposed takeaway facility and it is considered appropriate to recommend a condition limiting hours of operation in the event of permission being granted.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application relates to the erection of a fast food restaurant within the Newbridge Gateway commercial site. Permission was granted in December 2004 for the erection of a three-storey office building, fast food restaurant and public house/restaurant with associated parking (P/04/0570). The office building and public house/restaurant have been constructed. The site remains allocated in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP) as a commercial development site (LDP Policy SP17 addresses the promotion of commercial development through, among other measures, site allocation).

The approved details indicated that the fast food restaurant would be operated as a KFC, although any operator could have benefitted from the permission. The current application, submitted by the site owners, indicates a McDonalds restaurant. The building would be approximately 25% larger than the approved but the layout of the site would be similar, with the building close to the Bridge Street frontage and parking behind. A drive-thru facility would be sited on the eastern side of the building facing Bridge Street, as in the approved KFC layout.

The design of the building would accord with McDonalds current corporate design. The walls would be clad in a mixture of natural stone, timber battens and timber-effect cladding. The upper part of the building would comprise canopy-type structures, which extend upwards to conceal the flat roof; these would be clad in a mixture of brown-coated aluminium slats and grey-coated aluminium sheets. The corporate signage to the elevations, and freestanding signage, are the subject of separate applications for advertisement consent.

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The site is in a prominent position adjoining the bypass junction at the main entrance to Newbridge and its visual impact will therefore be an important consideration. While the proposed building effectively consists of a box with applied canopies, the overall shape and external materials are such that it is not considered that the scheme would be detrimental to the visual amenities of the area. The scheme would, therefore, be in compliance with LDP Policy SP6 (place making).

The approved layout indicated one point of access from the internal estate road; the current application indicates separate access and egress allowing one-way circulation. The parking provision comprises 28 spaces, to include 2 disabled spaces. The Transportation Engineering Manager has requested minor adjustments to the scheme which have been addressed by amended drawings; on this basis no objection is given subject to conditions to secure the parking provision and alterations to the estate road. The scheme is thus considered to be in compliance with LDP Policy CW3 (design considerations - highways).

The proposed restaurant would be some 50m from the rear of dwellings fronting Pant Road, separated from the site by Bridge Street and the route of the former canal. The operation of the restaurant and drive-thru facility has the potential to cause late-night disturbance to these residents, and it is recommended that a condition be attached to any permission limiting the hours of opening to those generally considered appropriate for areas where there are few residential properties, taking into account the existing disturbance already caused to the residents by road traffic, i.e. until midnight Mondays to Saturdays and 11pm on Sundays and Bank Holidays. Subject to such a condition it is considered that the development would be in compliance with LDP Policy CW2 (amenity). It should be noted that the previous permission did not contain a condition relating to hours of opening and that the applicant considers that such a condition with respect to the current application would thus not be appropriate. However, on balance it is considered reasonable to address the issue of potential noise nuisance in this application.

The Head of Public Protection objects to the proposal on health grounds, citing the Health, Social Care and Wellbeing Strategy 2011-2014 developed by the Council with local partners, and the stated aim of the Local Development Plan to "contribute to improving public health, by promoting land use developments that contribute to healthy lifestyles and well being".

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The main thrust of the objections received also relate to the issues of healthy eating and obesity. The objectors include the local Health Board and the nearby Comprehensive School and Leisure Centre. It is argued that the good work being undertaken with children and young people with regard to diet would be undone by the presence of the fast food restaurant. The Comprehensive pupils are currently kept on site during the whole of the school day but it is feared that they would be encouraged to truant or abscond by the presence of the restaurant.

The agent for the applicant has responded to these objections by stating that McDonalds have achieved significant improvements to their menu since 2003, including the reduction of salt content and the introduction of the fruit bag. They explain that they now provide information on the calorie and nutrition content of their products.

English case law has confirmed that the potential health impact of hot food takeaways is a material planning consideration. A number of English local planning authorities have introduced local plan policies or supplementary planning guidance (SPG) that presume against the opening of takeaways within a certain distance or walking time of schools and other youth facilities. It has been held that even in the absence of such policy or SPG the issue should be addressed as a material planning consideration. The weight to be attached will be less where no policy/guidance exists.

It is thus incumbent on the Council to consider the proposed development in terms of its impact on health. However, while a stated aim of the LDP is to improve public health by "promoting land use developments that contribute to healthy lifestyles", this aim relates to matters such as the disposition of land uses to encourage walking and cycling, and the provision of pedestrian links. The Council has no LDP policy or SPG directly relating to the siting of hot food takeaways in relation to schools and other youth facilities, and the weight that can be attached to this consideration is therefore reduced. Further, the development already undertaken under permission P/04/0570 means that there is an extant permission for the fast food restaurant. Any operator could, therefore, carry out and occupy the fast food restaurant development already approved as a 'fall-back' position. Thus whilst the current proposal is for a slightly larger facility, it is in effect a variation of the approved scheme at this locality.

The issue of health impacts is, therefore, considered to be outweighed by the lack of a planning policy or SPG and the existence of the extant permission.

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Comments from Consultees: The comments of the Transportation Engineering Manager and the Head of Public Protection have been addressed above. Comments from other statutory consultees will be addressed by recommended conditions or copied to the applicant by way of advice.

Comments from public: A number of grounds of objection have been addressed above. The remainder of the grounds are commented on as follows:

- There are already too many eating places in Newbridge town centre - the issue of competition is not a material planning consideration, and the location of the Gateway site in relation to the town centre would not give rise to an over-concentration of hot food takeaways.
- The facility would be detrimental to highway safety, on a route to school and between the school and playing fields, by virtue of the proximity of the access to the roundabout and the inevitable increase in already high volumes of traffic entering and leaving the site - permission has previously been granted for the scheme incorporating a fast food restaurant, and the Transportation Engineering Manager has no objection to the current proposal.
- There is already a deficiency of parking provision within the site leading to congestion; this situation will be exacerbated by the proposed facility which itself will have inadequate parking provision - notwithstanding any problems of congestion experienced with the current development, the Transportation Engineering Manager has no objection to the current proposal.
- The facility would give rise to a problem of litter in the area - the operation of a 'takeaway' facility is often associated with litter in the immediate locality.

However, the Environmental Protection Act places a duty on operators to provide suitable receptacles and gives local authorities the power to serve street litter control notices to require such establishments to clear litter within the vicinity.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) This permission relates to the amended site layout drawing No. H7683-04 Rev.E received on 28 March 2012.
REASON: For the avoidance of doubt as to the approved scheme.
- 03) Notwithstanding the submitted drawings, before works commence on site full engineering details of the alterations to the Newbridge Gateway estate road shall be submitted to and approved in writing by the Local Planning Authority, and the building shall not be occupied until the approved works have been completed.
REASON: In the interests of highway safety.
- 04) Notwithstanding the submitted drawings, before works commence on site revised details shall be submitted to and approved in writing by the Local Planning Authority which provide a minimum of 23 off-street parking spaces measuring 2.6m x 4.8m within the curtilage of the site. Such provision shall be completed in accordance with the agreed details before the development is first occupied and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: To ensure that adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety.
- 05) The proposed parking and operational areas shall be completed before the development is first occupied, in materials to be agreed in writing with the Local Planning Authority, to ensure that loose material is not carried on to the public highway.
REASON: In the interests of highway safety.
- 06) The construction of the building foundations shall not begin until details showing the finished floor levels of the building(s) hereby approved in relation to a fixed datum point off site have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 07) The restaurant hereby approved shall not be open to customers outside the following times: 06.00 hours to midnight Monday to Saturday, and 08.00-23.00 hours Sunday and Bank Holidays.
REASON: In the interests of residential amenity.

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- 08) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity.
- 09) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 11) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 12) The details required by Condition 11 shall incorporate a native species hedgerow between the drive-thru lane and the Bridge Street frontage of the site.
REASON: In the interests of visual and residential amenity.

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- 13) Details of any external and roof mounted plant/machinery associated with the development shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Such plant/machinery shall thereafter be installed and operated in accordance with the approved details.

REASON: In the interests of neighbouring occupiers.

- 14) A suitably qualified archaeologist shall be present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Advisory Note(s)

Please find attached the comments of Heddlu\Gwent Police, Dwr Cymru\WelshWater, Senior Engineer (Land Drainage) and Glamorgan Gwent Archaeological Trust that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW2 & CW3.
