

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0073/NCC 13.02.2015	McDonald's Restaurants Ltd C/o Savills (UK) Ltd Miss C Blagden 33 Margaret Street London W1G 0JD	Remove Condition 01 of planning permission 14/0055/NCC to allow the restaurant to operate 24 hours daily McDonalds Restaurants Ltd Unit 2 Newbridge Gateway Bridge Street Newbridge Newport NP11 5GH

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

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

Site description: The site comprises the part of the 'Newbridge Gateway' site fronting Bridge Street, comprising a freestanding McDonalds restaurant with drive-through facility. The western part of the Gateway site, adjoining the Ebbw River, is occupied by a block of offices and a public house. 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: Removal of Condition 01 attached to Permission Reference 14/0055/NCC to allow 24-hour opening on a permanent basis.

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.

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11/0934/FULL - Erect freestanding restaurant with associated drive thru, car parking and landscaping - Granted 08.06.12.

11/0935/ADV - Install one height restrictor, seven freestanding signs, two banners and nine dot signs - Granted 26.06.12.

11/0936/ADV - Erect 7 No. fascia signs - Granted 25.06.12.

11/0937/ADV - Install freestanding pole sign - Granted 10.07.12.

14/0055/NCC - Remove Condition 07 of planning permission 11/0934/FULL to allow the restaurant to operate 24 hours daily - Granted 10.04.14.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: CW2 (Amenity).

NATIONAL POLICY Planning Policy Wales (2014).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Police Architectural Liaison Officer - No objection.

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ADVERTISEMENT

Extent of advertisement: The occupiers of 17 neighbouring properties were notified by letter and a site notice was displayed.

Response: No response.

Summary of observations: Not applicable.

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? Crime and disorder are material considerations in this case, but their significance will be discussed below. Also it should be noted that no objections have been received from the Police.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No. No new floor is space proposed.

ANALYSIS

Policies: The site forms part of the larger Newbridge Gateway site in respect of which permission was granted in 2004 for the erection of a three-storey office building, a fast food restaurant and a public house/restaurant (P/04/0570). The office building and public house restaurant were constructed in accordance with this approved scheme but a subsequent application was received for a McDonalds fast food restaurant, and permission was granted in June 2012 (11/0934/FULL). This permission was subject to a condition (among others) restricting the opening times of the restaurant to 0600 hours to midnight Mondays to Saturdays and 0800 hours to 2300 hours on Sundays and Bank Holidays.

Further to this, planning permission was sought in 2014 (Ref: 14/0055/NCC) to remove this Condition to allow 24 hour opening. The application was granted planning permission subject to a Condition (among others) that gave a 1 year temporary permission for the 24 hour opening to allow the Local Authority to assess the impact of such opening hours.

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That planning permission is now nearing expiration and therefore planning permission is sought to open the premises 24 hours on a permanent basis. The Head of Public Protection advises that no complaints concerning noise have been received in respect of the premises, and offers no objection to the removal of the condition. The Police Designing Out Crime Officer also raises no objection to the proposal. Therefore, whilst crime and disorder are material considerations they would not be so significant in this case as to justify a refusal of permission.

It is, therefore, recommended that permission be granted subject to other relevant conditions attached to Permission Ref. 11/0934/FULL, amended as appropriate.

Comments from Consultees: Head of Public Protection - No objection.

Police Designing Out Crime Officer - No objection.

Transportation Engineering Manager - No objection.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The parking spaces provided in accordance with Condition 04 of Planning Permission 11/0934/FULL shall be maintained free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 02) No external site lighting shall be installed other than in accordance with the scheme approved under Condition 08 of Planning Permission 11/0934/FULL, unless a further permission is granted for additional or amended lighting on application to the Local Planning Authority.
REASON: In the interests of residential amenity.
- 03) Measures for odour/effluvia/fume control shall be operated in accordance with the scheme approved under Condition 10 of Planning Permission 11/0934/FULL.
REASON: In the interests of the amenity of the area.

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- 04) Measures for replacement of any failed planting in the approved landscaping scheme shall be carried out in accordance with the requirements of Condition 11 of Planning Permission 11/0934/FULL.
REASON: In the interests of the visual amenity of the area.
- 05) 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 residential amenity of neighbouring occupiers.

Advisory Note(s)

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: Policy CW2.

