

DC/2014/01000

MCDONALD'S DRIVE THROUGH RESTAURANT

WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST

RECOMMENDATION: APPROVED

Case Officer: Kate Bingham

Date Registered: 15th September 2014

1.0 APPLICATION DETAILS

- 1.1 This is a full planning application for a free standing restaurant with drive-through on the former Westgate Farm site on the edge of Llanfoist. The site fronts the Heads of the Valleys Road and is allocated as an employment site in the adopted Local Development Plan (SAE1 (d)). The site forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010, and detailed planning permission has been granted for Premier Inn, a Brewers Fayre restaurant and a Costa Coffee unit.
- 1.2 It is proposed to construct a McDonald's unit with a floor space of approximately 405 sq. metres. The access will be via a spine road serving the wider development site which was approved under Reserved Matters consent DC/2013/00266. The proposed restaurant would offer customers the choice of eating within the restaurant or taking away from either the counter or from the drive-through lane. The proposed restaurant itself would be able to accommodate 100 diners at any one time. An outdoor area is also proposed which would include furniture for dining outside on a patio.
- 1.3 It is proposed that the restaurant would operate potentially 24 hours per day, 7 days a week in order to maximise passing trade from travellers using the Heads of the Valleys trunk road as well as other customers that wish to use the facility outside normal business hours. The peak periods are usually lunchtimes followed by evenings and then breakfasts.
- 1.4 Servicing of the restaurant is undertaken by a dedicated supplier and takes place approximately 3 times per week lasting 15-45 minutes depending on the delivery. The type of restaurant proposed at this site normally employs at least 65 full and part time staff.
- 1.5 To ensure uniformity throughout the world, all franchises use standardised McDonald's branding, menus, design layouts and administrative systems. However, officers have negotiated design improvements to the restaurant to better suit the local context, including stone cladding to reflect Abergavenny Market Hall, and dark grey panelling and natural wood battens.
- 1.6 The proposed signage does not form part of this application but is considered in three further separate applications.

2.0 RELEVANT PLANNING HISTORY

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - Approved October 2010.

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818 - Approved September 2013.

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping – Approved January 2014.

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; Approved August 2015.

DC/2014/00998 – Various signs associated with McDonald’s restaurant; Current.

DC/2014/00999 – Various signs associated with McDonald’s restaurant; Current.

DC/2014/01001 – Installation of a freestanding 8m totem sign; Current.

3.0 NATIONAL PLANNING POLICY

3.1 Planning Policy Ed 7 (July 2014)

Planning Policy Wales Edition 7 July 2014 (PPW) provides the national planning policy context against which the application proposal should be judged.

Shopping Guidance

Chapter 10 ‘Planning for Retail and Town Centres’ provides the Welsh Government’s guidance on shopping issues. These seek to:

- *“secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;*
- *promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions; [our underlining]*
- *enhance the vitality, attractiveness and viability of town, district, local and village centres; and to*
- *promote access to these centres by public transport, walking and cycling.”*

The guidance goes on in paragraph 10.1.2 to describe the need for co-location of retail facilities in town, district, local and village centres.

“Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district,

local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand.”

Paragraph 10.2.4 describes the need for a diversity of uses within centres including restaurants.

“Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a diversity of uses in centres. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.”

Paragraph 10.1.3 describes the matters that determine the vitality and viability of a shopping centre.

“Vitality is reflected in how busy a centre is at different times and in different parts, attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric, but also to allow for improvement and adaptation to changing needs.”

Paragraph 10.3.1 of PPW describes the matters that local authorities should take account of when determining applications for new retail development or other uses best located in a town centre. These include the following of relevance to the application proposal:

- *compatibility with a community or up-to-date development plan strategy*
- *consideration of the need for the development*
- *the sequential approach to site selection*
- *the impact on existing centres*
- *accessibility by a variety of modes of travel*
- *the impact on overall travel patterns, and*
- *any improvements to public transport*

Need

Paragraph 10.3.3 of PPW states:

“Where need is a consideration precedence should be accorded to establishing quantitative need. It will be for the decision maker to determine and justify the weight to be given to any qualitative assessment as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need

factors in retail policy terms, though they may be material considerations in making a decision on a planning application.”

In respect of qualitative need, paragraph 10.2.10 of PPW says:

“Qualitative assessment should cover both positive and negative implications. Where the current provision appears to be adequate in quantity, the need for further allocations must be fully justified in the plan. This may be the case if new provision can be located where it:

- supports the objectives and strategy of an up-to-date development plan or the policies in this guidance*
- is highly accessible by walking, cycling or public transport;*
- contributes to a substantial reduction in car journeys;*
- contributes to the co-location of facilities in existing town, district, local or village centres;*
- significantly contributes to the vitality, attractiveness and viability of such a centre; or where it alleviates a lack of convenience provision in a disadvantaged area.”*

Sequential Approach

Paragraphs 10.3.4 and 10.3.5 describe the onus upon applicants in respect of the sequential approach.

“Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach, before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers. To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. ”

3.2 Technical Advice Note 4; Retailing and Town Centres

TAN4 (1996), which is still extant, provides additional guidance on how the retail guidance in PPW is to be applied. As the guidance on requirements for retail impact assessments is of limited relevance in this case, it is not quoted here. Although TAN4 is currently being reviewed by the Welsh Government, at this time the proposed revisions are at a very early stage and carry very limited weight. Moreover, there are no significant changes proposed to the current policy framework.

4.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S8 - Enterprise and Economy

S9 – Employment Sites Provision
S12 – Efficient Resource Use and Flood Risk
S13 – Landscape, Green Infrastructure and the Natural Environment
S16 – Transport
S17 – Place Making and Design

Development Management Policies

SAE1 - Identified Industrial and Business Sites
SD2 – Sustainable Construction and Energy Efficiency
SD4 – Sustainable Drainage

RET 4 – New Retail Proposals
LC2 – Blaenavon Industrial Landscape World Heritage Site
LC3 – Brecon Beacons National Park
LC5 – Protection and Enhancement of Landscape Character
GI1 – Green Infrastructure
NE1 – Nature Conservation and Development
EP1 – Amenity and Environmental Protection
EP3 - Lighting
MV1 – Proposed Developments and Highway Considerations
MV2 – Sustainable Transport Access
DES1 – General Design Considerations

5.0 REPRESENTATIONS

5.1 Consultation Responses *(It should be noted that these comments pre-date the design amendments)*

5.1.1 Torfaen County Borough Council – No objections to the basic design of this proposal.

This site forms part of the site SAE1D which is allocated for industrial use within the adopted Monmouthshire LDP for 2011 – 2021. The part of the site allocated to McDonald's lies to the extreme north east of SAE1D immediately adjacent to the A465.

It is noted that detailed planning consent has been granted for a three storey budget hotel, food led pub/restaurant and a coffee shop on the adjacent site, with these developments enveloping the proposed McDonald's. Additional consent has been given for a 44 dwelling residential development to the south of the site (now 65 dwellings). This part of SAE1D visually lies between the existing outskirts of Llanfoist and the A465 with a depot immediately to the south.

Llanfoist itself lies between the development site and the Blaenavon Industrial Landscape World Heritage Site (BILWHS) and was developed during the late 20th century. Although it forms the principle gateway to the BILWHS from the north, its value in landscape, urban design and quality of built form can only be described as low.

Llanfoist currently lies outside of the BILWHS, nor is it planned to incorporate it within a proposed Buffer Zone to the BILWHS. Although the proposed development site can be seen from the BILWHS the development is unlikely to have a significant impact on the setting of the BILWHS or views into and out of the site due to the existing level of development in the area, most notably the Waste Transfer Station.

Although the BILWHS Partnership would not wish to object to the principle of developing this site for such a use, it is felt that the detailed design of the proposal should be considered and a sensitive design could substantially reduce the impact of the development.

Building

The drawings generally lack clarity and are difficult to decipher with the landscape and layout proposals being particularly confusing.

The actual building appears to be built of wood composite panels with an “Italian walnut” appearance up to 2m high with aluminium panels finished in RAL 6007, a dark green, and clay brown above. The latter appear to be folded into a trapezoid shape, and the rears would be visible from above. It is noted that these panels are described as the roof materials on the application form and the author was unable to determine what the actual flat roof would be covered with. There are additional panels of “natural stone facing from granite fiandre”. The author is not entirely sure exactly what material is meant here.

Nine signs appear to be proposed which comprise of four illuminated “McDonald’s” signs, one illuminated “Golden Arches” sign, two non-illuminated “Collect” signs and two non-illuminated “Drive-Through” signs.

The only detail given of the landscaping is that it is “modern” and that it “would not reflect the generic nature of the landscaping which surrounds many retail parks.”

There is very limited reference to lighting within the application which is mentioned only twice.

Specific Comments

Whilst there is no objection to either the principle of the development or the overall design, it is felt that the proposed materials could perhaps be more sensitively selected to include local stone and timber finish. Should this be done then the development could respond significantly better to its local context.

It is noted that the DAS refers to plant being on the roof which the author would expect but there is no other indication within the application of the form or extent of this plant. The extent and form of the roof machinery should be established, as should the roof finish, and these elements should form part of the application.

Given the size of the car park, the application lacks a comprehensive lighting scheme. The lighting requires careful consideration and perhaps moderation, especially given its potential impact on the BILWHS.

The landscaping needs to be carefully considered and should respond to local context, especially the Brecon Beacons National Park and the BILWHS.

It is also suggested that the conditions recommended within the BBNP comments on landscaping and lighting be included within any consent that the authority is minded to give as well as the following conditions;

1. A condition requiring the extent and form of any roof machinery be submitted to and approved by the LPA prior to development commencing on site.
2. A condition requiring the roof finish to be submitted to and approved by the LPA prior to development commencing on site.
3. A standard materials condition.
4. A comprehensive lighting scheme to include both illuminated signs and general lighting to be submitted to the LPA prior to development commencing.

5.1.2 Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment, any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Policy Context

Planning Policy Wales 7th edition 2014 (PPW) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. In particular, PPW states that National Parks “*must be afforded the highest status of protection from inappropriate developments*” (paragraph 5.3.6) and that issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area (paragraph 5.3.7).

The Brecon Beacons National Park Management Plan (2010) defines the special qualities of the National Park as:

- Peace and tranquillity - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.

- Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- Sense of place and cultural identity - "Welshness"
- Sense of discovery
- Sweeping grandeur and outstanding natural beauty
- Contrasting patterns, colours, and textures
- Diversity of wildlife and richness of semi-natural habitats
- Rugged, remote and challenging landscapes.
- Enjoyable and accessible countryside
- Intimate sense of community

Policy LC3 of the Monmouthshire Local Development Plan states that development in the vicinity of the Brecon Beacons National Park should only be permitted where it would:

a) preserve or enhance the landscape setting, as defined through the LANDMAP process;

b) have no serious adverse effect on significant views into and out of the National Park

and that “*development that would cause unacceptable harm to the qualities that justify the designation of the Brecon Beacons National Park or its setting will not be permitted*”.

Policy LC2 of the Monmouthshire Local Development Plan places similar requirements on developments that affect the setting of a World Heritage Site.

Proposal

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary which at this point follows the Brecon and Monmouthshire Canal before turning north towards the southern boundary of Neville Hall Hospital. The Blaenavon World Heritage Site also partly shares the National Park’s boundary at this location. It is understood from the application documentation that the proposal involves the erection of a freestanding restaurant and associated advertisements, including a 12m internally illuminated totem pole, on a site area of 0.3ha.

The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes even though it has benefit of outline planning permission for residential and commercial uses. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be

protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting, landscaping treatment, external lighting and the erection of a 12m illuminated totem pole. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature, in the form of the 12m illuminated totem pole, that would break the existing skyline and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and what appears to be a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority **objects** to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

Notwithstanding the above, if the Council is minded to approve the proposals, it is respectfully requested that the following conditions are imposed and that the National Park Authority are consulted when the relevant detail is submitted in pursuance of the conditions:

No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of both hard and soft landscaping, with a particular emphasis on the provision of landscaping that would assimilate the development within its wider setting having regard to its proximity to various public vantage points and the Brecon Beacons National Park Authority. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until an external lighting plan is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their use. The development shall be carried out strictly in accordance with the approved details.

No development shall take place until a plan indicating the proposed ground levels and finished floor levels is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

5.1.3 Llanfoist Fawr Community Council – recommends refusal.

Following extensive consultation with the local community, LFCC wish to make the following representations to Monmouthshire County Council Planning Committee.

General Observations:

The application itself is of surprisingly poor quality in terms of accessibility of information and visualisation of impact in the surrounding area. Significant work has been done by members of the community to interpret the plans and enable people to get a sense of what they would mean for the area. We would argue that Monmouthshire County Council have failed in its duty to ensure that proper consultation takes place by allowing the applicant to submit plans which have such startling inadequacies - no 3D modelling , no context in relation to other proposed buildings on site, no overall site plan - in fact plans which are in essence incomplete.

Monmouthshire County Council Planning Committee will no doubt be aware of the intense public debate which this application has sparked and therefore the need for members of the public to access clear concise and accurate information. Llanfoist Fawr Community Council are aware of some support for the application based on the perception of job creation and a space for young people to gather in the absence of other facilities in the area. We would re-iterate the request made in 2013 when the Premier Inn application was made for land adjacent to proposed McDonald's site for there to be proper engagement with the communities of Llanfoist and Abergavenny to design an area which meets the needs of these communities for both housing, recreational and employment purposes and does not simply encourage a one size fits all model which will destroy the very distinctive landscape and its historical, cultural ecological and geographical heritage.

The application appears to be in contradiction to many of Monmouthshire County Council's stated policies set out in the recently published Local Development Plan - these are referred to throughout our objection.

Areas of Concern:

We have headed our objections under the themes of Visual Impact, Impact on Environment, Traffic and Transport, Sequential Test, and Health and Safety of Children. There are clearly areas of overlap within all of these and we would urge the Planning Committee to examine these carefully against their own policy statements.

Visual Impact:

This is the site for Mcdonalds seen from the top of Bloreng Mountain in the Blaenavon World Heritage Site. Clearly visible



The application includes no assessment of the specific impact of a highly visible – and lit – 24 hour drive through fast food outlet. In 2010 consent was given to application (DC/2008/00818) – titled somewhat misleadingly as Full - Improvements to Highways and Drainage Networks and Outline – Residential Development .The outline consent application makes very broad reference to commercial development and employment use. It is only in the Addendum to the Transport Assessment that references to specific types of development are made and these are only as a basis for calculating traffic data. The traffic projections have been based on the following: - builders' merchant, 70 Bedroom Hotel with restaurant and leisure facilities 65 private dwellings Fast Food Outlet Business Park (27 units).

We re iterate that the application for a 24 hour drive through facility is a very significant and material departure from the outline planning permission granted in 2010 and the hybrid planning approval DC/2008/00818.

The issue of the impact of lighting has not been considered in relation to the coveted Dark Skies status awarded to the Brecon Beacons National Park - an issue which requires consideration for the entire site not just this application – and is relevant to policies on Visitor Economy which are crucial also considerations at the gateway to a market town which thrives on the promotion of its food credentials.

Thus we believe the application to be in direct conflict with policy LC2 which clearly states that development in the vicinity of the Blaenavon World Heritage Site will only be permitted where it would:

- a) preserve or enhance the landscape setting; and
- b) have no serious adverse effect on significant views into and out of the World Heritage site.

The location is highly sensitive given its position in the Usk Valley opposite Abergavenny and adjacent to Llanfoist, with its proximity to the World Heritage site and National Park. This unique valley set between the Sugarloaf, Blorence, Skirrid and Deri and approaching from the Midlands this is the real first place you sense you have arrived at the mountain-scape of Wales. We consider the application to have failed in relation to Policy S13 (Landscape, Green Infrastructure and the Natural Environment) which states that a development must

- (ii) protect areas subject to international and national landscape designations*
- (iii) preserve local distinctiveness, sense of place and setting*

We conclude that the design and material language of the building and its associated signage is totally unsuitable for such a sensitive location.

Impact on Environment:

There is considerable confusion as to whether a full ecological impact assessment has been completed for this significantly different application to that approved at outline level. The current application does not meet basic statutory requirements in relation to ecological information (the Biodiversity and Ecology officer has stated that ‘This application is not valid as there is no ecological information’).

The application has failed to demonstrate that it would not cause unacceptable harm to the communities of Llanfoist and Abergavenny in respect of light pollution, noise pollution and litter both in the immediate and wider environs. These are key factors in Policy S13:4 which clearly states that an application should seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

Those travelling along the A465 who require food / drink/toilets would naturally head into Abergavenny which is a thriving town with much higher letting rates and footfall than other comparable market towns. (Towns Alive 2014 Report). The proposal for a drive through McDonald’s and other associated food outlets would therefore appear to the casual visitor as the first – and last! – thing on offer in the area, making people suspect that the town itself is not worth visiting. Cafes and restaurants are surveyed as one of the primary reasons visitors visit Abergavenny. There is an argument that this is a product of there currently being no out of town alternatives, unlike other comparable towns which are now (proven by similar studies), ghost towns. Logic says that if people are given a ‘lazy’ out of town alternative, this can only reduce the visitors to the town centre thereby reducing its vitality. This is in direct contravention of Policy S6 Retail hierarchy ‘Proposals which undermine the retail hierarchy will not be permitted’.

Traffic/Transport Impact:

An application for a Drive through facility is of its very nature car-oriented requiring a significant number of passing vehicles to make it viable (20,000 per day on McDonald's own assessment). We contest that this is therefore an inappropriate development for an - albeit a roadside site – but one which is surrounded by existing housing and in the middle of a village location.

The pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council planners – in the building of Llanfoist school (lack of safe school routes) and in the recent residential developments. These proposals based on a drive through by their very nature encouraging car use will have an unacceptable impact on pedestrian and cycle safety. Young people in particular will be attempting to access this site on foot across a major slip road with numerous roundabouts and a minimum of 20,000 vehicular movements a day.

We consider the application to be in contravention of policy S16 ... *'all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by: Reducing the need to travel, especially by car; Promoting public transport, walking and cycling; Improving road safety;'*

The transport assessment in the application relies on base data from the hybrid planning permission DC/2008/00818 which is completely misleading as there have been very significant developments in Llanfoist since then. The assessment acknowledges that McDonald's would result in an increase on the previously assumed traffic levels (i.e. from a fast food outlet rather than a 24 hour drive through). Due to the significant road safety issues in this area, a completely new current transport assessment is required.

Sequential Test

The sequential test is inconsistent: it doesn't properly consider a town centre appropriate alternative. It is clear that a 'drive though' is not going to work in a town centre location and therefore a sequential test to prove this is wasting everyone's time. If however there is a 'need' for a McDonalds in the area (which we would dispute) there are some town centre outlet opportunities that could have been considered e.g. the former Richards store.

The application has shown no demonstrable need for a drive through in the location proposed at Llanfoist particularly as the Raglan Services now has planning consent with a range of fast food options – that is unless this application is part of a wider as yet undeclared interest in creating a Llanfoist Services Area? The proposal undermines the vitality of Abergavenny town and that of the new Raglan services.

Health and Safety of Children:

The proposals will create major health and safety issues for the young people of Abergavenny and Llanfoist. A number of objections have been submitted by Health professionals outlining the health issues associated with fast food and especially in a location so close to Llanfoist primary school and on routes to the secondary school

(King Henry) and those further afield accessed via the bus drop off and pick up points in Llanfoist.

The proposed restaurant is in a location primarily design for the convenience of users of the A465 as acknowledged in the applicant's submission. However a fast food restaurant also appeals to a relatively low age demographic group, most of whom cannot drive. The existing pedestrian/cycle route from Abergavenny to Llanfoist is not safe with major hazards at Llanfoist Bridge and the A465 roundabout. There is also a major danger of children from East Abergavenny making their way down and across the A465 to access the restaurant which will be a much shorter route for them.

These objections formed the basis of the McDonald's appeal refusal in 2001 and are as relevant now as they were then.

Summary:

We urge the Planning Committee to reject this application and not allow it to follow on the same misguided path as the application for Premier Inn and Brewers Fayre – these were submitted as very detailed design considerations from a very broad outline consent which had assumed low visibility screened buildings.

In rejecting this application the planning committee will be giving the people of Llanfoist and Abergavenny the opportunity to work with Monmouthshire County Council planners on a more innovative and thoughtful development which showcases the beauty and vitality of the area and celebrates its difference not conformity to a national model.

5.1.4 Llanover Community Council – recommends refusal.

McDonald's made a similar application about 10 years ago in respect of a site within the area covered by this Council. On that occasion the application was successfully opposed. The proposed new site is not a suitable location for a McDonald's outlet. It is on a very prominent site which will be out of keeping with the area. It is too close to the nearby waste management site. This Council feels that McDonald's would be better located within the town of Abergavenny rather than at a prominent site outside the town where it could discourage travellers from using the facilities offered by Abergavenny Town Centre.

5.1.5 Natural Resources Wales (NRW) – No objection. The proposed development is outside the flood zones outlines. Issues relating to European Protected Species (Great Crested Newts) were addressed through previous applications at this site.

5.1.6 Cadw – Negligible impact on any registered historic landscape or on the Outstanding Universal Values of the World Heritage Site.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled ancient monuments or Registered Historic Parks and Gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, *Planning and the Historic* proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

This advice is given in response to a planning application for the construction of freestanding restaurant with associated drive through lane, car parking and landscaping. The proposed development is located in the vicinity of the scheduled ancient monument known as;
MM010 Abergavenny Bridge
MM056 Abergavenny Castle
MM193 Abergavenny Roman Fort

The application area is located some 800m to the south of both designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort and will be clearly in view from them on the slope of the hill on the opposite side of the Usk Valley. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either monument during daylight hours. There was a potential concern that the large windows of the restaurant could produce a large light source at night but these are positioned overlooking the car park and not facing the monuments, as such there will be no additional impact on the setting of the designated monuments of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort at night.

The intervening topography and buildings probably blocks views to the proposed development from MM010 Abergavenny Bridge, but if not, the impact on the setting of the bridge will be the same as the impact on the settings of MM056 Abergavenny Castle and MM193 Abergavenny Roman Fort.

This proposal also lies within 1km of the historic parks and gardens known as PGW (Gt) 9 Abergavenny Castle, PGW (Gt) 37 New Cemetery, Abergavenny and PGW

(Gt) 59 Linda Vista Gardens, Abergavenny, which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

It is unlikely that the proposed development will be visible from PGW (Gt) 37 New Cemetery, Abergavenny.

The application area is located some 800m to the south of the registered park and gardens at Abergavenny Castle and Linda Vista Gardens and it is likely that it will be visible in views from them. However, the restaurant is part of a larger development being constructed in this area and as such will not have any additional impact on the settings of either registered site. The application area is located some 900m to the east of the boundary of the registered historic landscape, HLW (GT) 1 Blaenavon, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the registered historic landscape.

The application area is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Bloreng. It is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Bloreng and from the higher slopes it will merge into the urban conglomeration, as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

It is noted that in their responses to this application and the associated ones both Torfaen County Borough Council and Brecon Beacons National Park have recommended that a condition, requiring an external lighting plan to be submitted prior to the development commencing in order to limit the impact of the development on the World Heritage Site, should be attached to any planning consent that is granted to this application and we support this recommendation.

5.1.7 MCC Green Infrastructure (GI) Team - On the basis of the information submitted, object to the current proposal.

Elevation of the site and the visual impact of a standardised MacDonald's unit and accompanying illuminated sign upon the surrounding landscape leading to a detrimental impact upon;

- Proximity to National Park, views into and out of
- Proximity to BILWHS views into and out of

As statutory designations;

- Proximity and visual impact upon and from key receptors including; local footpaths, Iron Mountain Trail, National Trails, cycle routes, A465 (primary route for Heads of the Valleys and gateway to BBNP) historic assets, tourism

and leisure facilities, historic Market town of Abergavenny (key landmark features), local dwellings.

In addition the proposal has not provided the following:

- No LVIA has been provided to consider the impacts
- No viewpoints or photomontages to justify proposal
- Mitigation is inappropriate (i.e. shrub planting is insufficient both in height and density – native woodland planting would be required for screening purposes).
- GI has not been considered or integrated into the scheme.

5.1.8 MCC Planning Policy Team - The site is located within an allocated employment site designated in LDP Policy SAE1. The site is specifically allocated for B1 and B2 uses (SAE1d). Whilst the original outline planning permission (DC/2008/00818) related to 'commercial' development there has been a material change of circumstances since this permission was granted in that the Monmouthshire LDP was adopted on 27 February 2014.

In addition to SAE1, Policy E1 relating to the protection of existing employment land should be considered.

LDP Policy RET4 relates to new retail and commercial leisure/entertainment developments and states the preferred location of such proposals is within Central Shopping Areas (CSAs). Where it can be demonstrated that no suitable sites exist in the CSA then sites on the edge of the CSA should be considered before finally considering out-of-town sites. This site is located a considerable distance from the Abergavenny CSA, so it is not considered to be a site on the edge of the CSA. A number of detailed criteria are provided to assess proposed development outside the CSA, it should be considered whether there is a demonstrable need for the development (Criterion a), whether the development would have an impact on the trade/turnover, vitality/viability of the town and neighbourhood centres in Abergavenny (Criterion b), whether the proposed development is of an appropriate scale and type (Criterion c) and whether the proposed development would have a detrimental impact on future public or private investment needed to safeguard the vitality and viability of the centres (Criterion d). Criterion (e) relates to whether the site is in a location accessible to public transport, colleagues from highways would be able to provide comment on this. Criterion (f) refers to whether the proposal is located on land allocated for other uses, as noted above the land is allocated for B1, B2 employment use.

It is noted a Sequential Test report has been submitted, it is advised that this is referred to the Council's retail consultant for comment, who will also need to consider the impact of the proposal on the trade/turnover and vitality/viability of the town centre in accordance with criteria b) and d) of Policy RET4 and associated national policy.

Policies S16 and MV1 relating to proposed developments and transport and highway considerations should be considered.

Finally, Policies EP1 and DES1 in relation to Amenity and Environmental Protection and General Design Considerations respectively must be referred to.

5.1.9 MCC Retail Consultant –

- The spatial strategy as set out in PPW 2014 and the LDP 2014 (Policy S6) is to promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions.
- LDP Policy RET4 states that the preferred location for new retail and commercial/leisure entertainment developments is in the defined Central Shopping Areas (CSAs). Being outside Abergavenny CSA, the application proposal does not meet this requirement. Policy RET4 also requires that where new development is outside the CSA it should meet specified requirements. The relevant requirements in this case relate to ‘need’, ‘sequential approach’, and trade impact.
- An assessment of the ‘quantitative’ need for a McDonald’s restaurant in Abergavenny/Llanfoist would be highly theoretical and unlikely to be meaningful. It is therefore necessary to have regard to qualitative considerations.
- There are no McDonald’s restaurants in Abergavenny, the nearest being in Ebbw Vale and New Inn, some 14kms and 15kms distant respectively. A restaurant in the proposed location would be able to serve both Abergavenny and Llanfoist residents as well a passing trade for the A465 Heads of the Valleys Road. It appears to us therefore that a facility at the current location would draw trade from local residents and passing traffic, which can be regarded as satisfying a qualitative need. However, no clear evidence has been put forward by the applicant demonstrating a specific need for a ‘drive-through’ restaurant (as opposed to conventional restaurant) in the context of the PPW and LDP policy requirements.
- We have concerns about the applicant’s interpretation of sequential approach policy requirements. The applicant has investigated alternative sites capable of accommodating a restaurant including ‘drive-through’ facilities only, without allowance for any flexibility that could include a restaurant omitting the ‘drive-through’ element of the proposals. PPW 2014 clearly requires developers to adopt a flexible approach in terms of different elements of proposals and their servicing and access requirements.
- Although I have a longstanding knowledge of Abergavenny I have not inspected the town centre recently, and am not therefore in a position to comment on the applicant’s findings in respect of specific sites within or on the edge of the town centre. We presume that with your greater local knowledge you will be able to do this.
- A McDonald’s restaurant would compete most strongly with existing fast food facilities offering take-away products. However, it is highly unlikely that the fast food sector as a whole in the town centre would be significantly affected. Abergavenny has established a reputation for quality food, which draws large numbers of visitors as well as creating a brand and reputation for the town. It is inconceivable that quality restaurants would experience direct trade impact from a McDonald’s restaurant.
- We have noted that some objections to the application proposal express concern about possible damage to the ‘food’ reputation of the town of a

McDonald's restaurant. There is no objective way of testing any such potential impact. However, it seems unlikely to us that a McDonald's restaurant on the application site would have any material adverse impact on the perception and status of the town as a food centre.

- We have noted also representations made on the application proposal supporting the need for broadening the range of restaurant facilities on offer within the town.
- The application site is akin to a roadside location, where fast food facilities are commonly found. We note also that land next to the application site has been granted planning permission for a hotel, and Brewers Fayre restaurant. These are 'town centre' facilities' in planning policy terms and, if implemented, will establish a node of commercial uses in this location outside the town centre on the Valley Road A465. It is part of a wider area for which planning permission has been granted for residential and commercial development served by a new road layout.

5.1.10 MCC Public Rights of Way – comments are made without prejudice to unrecorded rights of which the council is unaware and maybe proven to exist under the Wildlife and Countryside Act, Section 53.

Observations:

Although there are no recorded Public Paths running through the site of the proposed development the applicant should be mindful of the Active Travel (Wales) Bill which requires new road schemes to consider the needs of pedestrians and cyclists at design stage to enable more people to walk and cycle and generally travel by non-motorised transport.

5.1.11 Welsh Government Transport Division – no objections to this proposed development which forms part of the revised proposals submitted in 2009 forming part of DC/2008/00818.

5.1.12 Dwr Cymru Welsh Water – No objections subject to conditions requiring surface and foul water to be drained separately from the site.

5.1.13 MCC Highways - No objections to the proposal from a highway standpoint.

The proposed development has already been the subject of detailed consideration and approval. Therefore the impact of the proposed McDonalds development has already been taken into account and the internal estate layout designed to accommodate the traffic and pedestrian movements generated by all the prospective developments on the site be they the existing Waste Transfer station and civic amenities site, the Hotel, Pub/Restaurant, Coffee Shop, residential development and outstanding commercial development.

It should be noted that the proposed McDonalds restaurant is located in what can be considered an out of town development and pedestrian footfall is likely to be light considering its location, however in saying this it should be noted that the development as indicated above has been designed to accommodate and promote pedestrian movement this has been achieved by the introduction of footways on both sides of the estate roads, internal junction crossing points, the widening and

enhancement of an existing public footpath to provide a direct link from the development to Merthyr Road and the introduction of a controlled pedestrian crossing point on the re-engineered A465 Heads of Valley off slip road between the existing and proposed new roundabout, see attached for information.

5.2 Neighbour Notification

Total of 748 representations received, 468 in support of the application (with the addition of or including 1477 members of a Facebook page in support of the proposal (on 22nd October 2014) and 269 objections (including a petition of 478 names and a Face book page opposed to the development with 1146 members).

5.2.1 Support for the following reasons:

- Bring jobs to the town by a company that has promotion prospects and real career paths for young people
- Bring jobs that offer better long term earning prospects than currently on offer in town, many of which are minimum wage, low hour or zero hour contracts
- Bring jobs that are suited to those with no qualifications
- Good in house training and development that other small businesses in the area cannot offer
- A 'Heavy Lifter' employer, i.e. offers in house training and career progression rather than relying on existing qualifications and experience
- McDonald's are supporters of local communities with sponsorship and jobs
- McDonald's support local charities through the Ronald McDonald programme
- Welcome a known and liked brand to the area
- Will help to update the town and bring Abergavenny into the 21st Century. It is not a retirement village!
- Somewhere local to give children a treat without having to travel too far
- Will reduce need for people to travel to Pontypool and Ebbw Vale
- Affordable restaurant for families with lower incomes who will not have to travel further afield.
- Venue for affordable family celebrations and parties for those who cannot afford high priced alternatives in Abergavenny.
- Pay enough Council Tax – would like somewhere decent to go as a family
- There are few places for children to meet their friends and younger children to have parties. Will keep children off the streets.
- Will bring new life to the town.
- Approval already given for similar uses on the site; why single out McDonald's?
- Out of the town centre and will improve the appearance of the area that is currently waste land.
- Not an eyesore as will be opposite a council depot, next to a waste transfer station, builder's yard and opposite a sewage works.
- Litter and noise objections raised are countered by the existing Weatherspoon's, Auberge, kebab shops, chip shops, takeaways etc. in town. This is an out of town site and better used than left derelict.
- Traffic flow around the town unaffected as the site is directly off a trunk road.
- Good venue for supervised contact between children and non-resident parents.

- Abergavenny needs more choice for all ages, tastes and budgets.
- Costa has been approved even though town already has one.
- Many people love McDonald's and this site would be easy access.
- Somewhere to get decent coffee or take a break in the evening or through the night for people on long drives.
- Responsibility of healthy eating is with parents and schools. There is nothing wrong with treats in moderation
- Will give the area a new modern look.
- Could be a boost to the local economy and encourage other new business in the area.
- Will lower fuel consumption from those who travel to Pontypool, Cwmbran and Ebbw Vale for McDonald's.
- Better diversity – a welcome change to all the charity shops and coffee shops in town.

5.2.2 Object for the following reasons;

- Building would ruin views of a naturally beautiful area.
- Conflicts with Welsh Government and MCC policy in favour of town centre locations for this type of development.
- Fails to contribute in any way to the vision of the LDP.
- Contrary to LDP Policies S8, S17, RET4, LC2, LC3, LC5, EP1 and EP3 (*See list of policies in Section 3.0*).
- Site allocated for B1, B2 and B8 uses, not commercial development.
- Not in keeping with the area.
- Negative visual impact with lighting and advertising.
- Excessive additional traffic movement and congestion.
- Local farmers would not benefit as food will be transported from a central depot. 60% of McDonald's chicken is imported from Brazil.
- Will harm Abergavenny's reputation as a 'foodie destination'.
- Will not create the type of jobs that MCC should be encouraging - majority will be zero hour contracts on minimum wage.
- Risk to cyclists and pedestrians as inadequate safe crossing points.
- Increased traffic through Llanfoist.
- Too close to the waste transfer station.
- Site too close to Llanfoist Primary School and bus stops used by secondary school pupils.
- Litter.
- Vermin.
- Increased noise levels (especially due to 24 hour servicing).
- Natural collecting point for drug and alcohol based anti-social behaviour
- Already 12 McDonald's within a 15 mile radius.
- Health risk – too easy for children/young people to access fast food regularly.
- LPA must consider and address the obesogenic environment and influences.
- Adverse impact on wildlife and habitat.
- Sewerage and drainage system in the area is inadequate and inappropriate with frequent blockages and lack of capacity for run off of excess groundwater.

- Take trade from town centre – undermines independent businesses on the high street.
- Will threaten existing eateries.
- Brecon Beacons National Park object.
- Off the shelf building with no thought given to surrounding buildings or landscape.
- Highly prominent position.
- Inappropriate at gateway to BBNP and BILWHS.
- Insufficient visual information submitted with the application.
- Drive-through architecture demands visual cacophony of road signs, road markings, railings and external lighting.
- Use requires a totem sign that is visible from A465.
- Because of insistence of having the drive-through element, this is the only suitable site under the sequential test. Sequential report is biased.
- Other necessary industrial and civic activities in the valley are well screened.
- Tree planting on northern edge of site as required previously not mentioned in this application.
- S106 requirements to improve pedestrian links between Abergavenny and Llanfoist not mentioned in this application.
- Unsustainable use as required 20,000 passing cars to be operational.
- Awkward canted roof.
- Will diminish the cultural value of Abergavenny.
- Ruin views over the Bloreng.
- Increased vandalism by people going to 24 hr McDonald's.
- No regard to using local building materials or quality landscaping.
- Adverse impact on Brecon Beacon dark skies area.
- Will prevent passing motorists from having to go into town.
- Undesirable effect on tourism.
- Promoting and selling unhealthy foods (e.g. a Big Mac contains 36% of daily recommended intake of fat for an adult).
- Not all issues relating to European Protected Species have been addressed.
- Pollution from standing cars at drive-through.
- Environmentally disruptive due to setting.
- Exploitation of children through advertising.
- One size fits all design not appropriate.
- Already fought off McDonald's in 2001.
- Will open the flood gates for other McDonald's and fast food chains.
- Missed opportunity for a local producer to go on the site.
- Adverse impact on residents and school from cooking smells.
- Premier Inn, Brewers Fayre and Costa is enough development.
- Out of step with local consensus.
- Should be encouraging people to eat less meat to reduce carbon footprint.
- Gives a 'down market' impression of the area.
- Does not protect existing key landscape views and vistas.
- Does not promote sustainable, safe forms of transport which reduce the need to travel.
- Site is rural and McDonald's drive-through units are associated with urban or semi-urban settings.

- Grotesque example of a multi-national chain's insensitivity to the needs and culture of a local community.
- Degradation of the green fringe between Abergavenny and Llanfoist.
- Will make Abergavenny like all other towns. Keep Abergavenny special!
- People should learn how to cook and be healthier.
- Once approved there will be no going back.

5.3 Other Representations

- 5.3.1 Abergavenny and District Civic Society – we believe that these applications, as submitted, should be refused. Community opposition should give the County Council the confidence to adopt a 'take it or leave it' stance, especially on design and signage issues.

While some of our members may have made personal representations or sympathise with objections made by others to this application, the Society aims to make a response that takes account of the planning history and the scope of planning control (as opposed to public health and other controls) and is consistent with the views expressed at the time of the Whitbread company applications on the Westgate site.

As was the case with these earlier applications, we regret a planning history that appears to make these trunk road services and the road layout incontestable in principle. But for this history of commitment and the extreme improbability of revoking previous decisions and paying compensation, the Society would probably object to this use on this site. If others find a sustainable reason to challenge these commitments we might well support their case. At this time we confine our attention mainly to the design of the proposal, minimising its visual impact and relevant weaknesses in the documents accompanying the application. We note that the Design and Access Statement has misleading content that should not be relied upon when assessing the proposals.

One part of the planning history may be particularly relevant: the 2001 refusal on appeal of an application by McDonald's for a site nearby on the A465. The inspector concluded, in the context of policy at the time, that the proposal did not help to sustain the town centre – as distinct from not detracting from the centre.

We have considered the applicants' sequential test information. They base their case on the proposal being for a 'drive-through' restaurant mainly to serve trunk road users. Yet only a proportion of their customers will use the 'drive-through' element; most will sit in the restaurant and many of these will be local. We believe that a closer examination of their likely patronage is likely to suggest at least that only a smaller restaurant satisfies the sequential test. The majority of their custom would be better served in accordance with policy by a 'walk-in' site in or on the edge of the town centre. Whether or not there is such an opportunity, and whether we would support it, is not our present concern.

Otherwise our main concern is that the elevation and prominence of the proposed building will be unacceptable. The applicants have provided no proposed sections through the site and adjacent land, or drawings showing the relationship of their development to approved or pending buildings to the west, or in the wider landscape

setting. They do describe their building as ‘elevated above the Heads of the Valleys Road’. This would not square well with the ‘respect for views’ requirement of LDP Policy DES1. The applicants must be required to provide more information on these matters, and we would wish to comment further.

Furthermore, the orientation of the building, which has a footprint approaching that of the Premier Inn, conflicts with the grain of its surroundings by not being parallel with the A465 and its slip road.

The prominence in a remarkable landscape setting, even if reduced, means that the appearance of the restaurant is a critical consideration. We object to the submitted proposals. To meet the requirements of Policy DES1 this location requires a building that contributes to a sense of place and respects the local characteristics of this edge of the countryside at a gateway to an historic town, a World Heritage Site and a National Park. The proposed standard corporate image based on a ‘natural and neutral’ pallet of contemporary materials does not satisfy the needs of this site. The variety of materials and colours, some in substantial blocks and alien in the local context, together with an excessive amount of signage on the building, is inappropriate here. A simpler and less obtrusive building, perhaps more traditional, making use of Pennant sandstone, slate and possibly suitably coloured brick and stained timber should be required. A modest amount of signage on the building would adequately advertise its use. Again, we would wish to comment on any revised proposals for the building.

The Design and Access Statement refers to a ‘contemporary twist’ in the landscaping and admits that it may not be reflective of the surroundings. The submitted plans appear to show little more than hard surface treatments and grass, where some locally native shrubs and trees could soften the transition between the building and the countryside. As elsewhere on the Westgate site, we would like to see grassland of native plants managed for wildlife and aesthetic benefits.

With regard to Policy DES3, the proposed amount of free-standing signs and advertisements is excessive. Apart from clear signage on the building, there is no need for anything but warning and directional signs for customers. Illumination should be the minimum necessary to promote the business and for safety purposes, and we oppose 24 hour opening in this exposed urban fringe position.

We note that the applicants promise 65 full or part time jobs (probably mostly the latter). Even if much of their custom is captured and new to the area, some will be at the expense of local traders and jobs. Decision-makers should not be unduly swayed by these figures.

We question the suitability of the complex planned road and pedestrian access arrangements. The traffic generation of three refreshment facilities seems likely to exceed the volumes envisaged when the layout was approved and a fresh safety audit is essential (LDP Policy MV1).

McDonald’s are particularly likely to attract young cyclists and pedestrians from Abergavenny. The deficiencies of the highway system for these users are already very evident, particularly when crossing the Usk and the A465 junction. This

situation would be aggravated if this part of A4136 became a trunk road. At the very least, if approval for McDonald's and Costa is granted, substantial s106 planning obligation (or CIL) funds should be secured for improvements that enhance pedestrian and cyclist approaches to this commercial area, including the Usk crossing (LDP Policy MV2).

Further comments received following amendments to materials - We agree that the revised materials represent a cosmetic improvement to an otherwise unaltered building, though we ask that the sandstone is not stark red but a more mottled grey, purple and red to be consistent with the Pennant stone generally used locally (and hopefully elsewhere on the Westgate site).

However, the more fundamental concerns and objections stated in our letter of 17 October 2014 remain, despite a number of revisions posted on line since then. The discussion at Planning Committee when the Costa proposal was approved has led us to take the view that the prominent impact of that building and McDonald's, if approved, can only be lessened, over time, by extensive native woodland planting on the steeper slopes visible from the A465. Customers would be adequately attracted by glimpses of the buildings and a modest amount of signage, preferably coordinated and not including a backlit 8m totem sign at the top of the slope.

5.3.2 Public Health Wales – Approval of application would be contrary to plans for health improvement plans for Wales.

The comments below are in relation to the health improvement agenda as opposed to health protection – independent advice should be sought on that as appropriate.

The public health implications for this objection are clearly described in NICE (National Institute for Health and Care Excellence) Guidance 2010, 'Prevention of Cardiovascular Disease at a population level'. This states that local planning authorities have the powers to control fast-food outlets, which in turn impact on a community's health and well-being. In 2013 guidance to local authorities NICE recommends planning departments should:

- *“Use bye-laws to regulate the opening hours of take-aways and other food outlets, particularly those near schools that specialise in foods high in fat, salt or sugar”*
- *“Use existing powers to set limits for the number of take-aways and other food outlets in a given area. Directives should specify the distance from schools and the maximum number that can be located in certain areas”*

The lifetime risk of conditions such as cardiovascular disease and obesity is strongly influenced by unhealthy diet high in saturated fat, and low physical activity levels in childhood. Decreasing children's and young people's access to foods that may harm health will help to;

- prevent and reduce the risk of onset of chronic conditions which may develop later in life
- decrease patterns of unhealthy behaviour that start early in life
- influence positive health behaviour in children and young people

Evidence shows that an increasing number of hot food takeaway shops are operating within easy walking distance of schools or on residents' commute. Their low prices, coupled with location in relation to schools increase the likelihood of over consumption of food and particularly that which often provides disproportionate amounts of their daily nutritional requirements; salt, fat and sugar. In this application we estimate the development to be as close as 250 metres to the local community primary school. Those living in areas which are more deprived and disadvantaged and who opt for more unhealthy choices are also at increased risk of becoming ill and developing chronic conditions.

The Welsh Government and its partners in Local Government, the NHS, and the Third Sector have already recognised the importance of a good start to life for children and young people. This is reflected in the Aneurin Bevan University Health Board Public Health Strategic Framework (2011-15) and the emerging Childhood Obesity Strategy which has identified childhood obesity in Gwent as a priority action. It is also identified as a priority in a number of Monmouthshire specific plans including the Monmouthshire Healthy Schools and Appetite for Life Action Plans. Therefore consenting to the application would be contrary to the work of existing plans in Monmouthshire.

It is estimated that nearly two thirds (63%) of adults aged 45 - 64 resident in Monmouthshire are overweight or obese, and a fifth (20.6%) of children aged just 4-5 years are overweight or obese.

As joint protectors of the public's health, we as local health leads look to you, our Monmouthshire Local Authority planning department to influence the planning permission for such retail outlets, which could increase access to unhealthy food choices for young people and families. The restriction of access to take-away food outlets within close proximity to schools could result in significant health benefits for this vulnerable population group.

5.3.3 Abergavenny Transition Town - objects to the above planning application, for the following reasons:

Transport issues

The development does not promote sustainable, safe forms of transport which reduce the need to travel. As a drive-through it is inevitable that car use will increase, from the slip road from the A465, and from within Abergavenny.

At the same time, there is a strong likelihood that young people from Abergavenny, without access to a car, will choose to walk from Abergavenny to the development. It is not in a location accessible to public transport facilities. This would represent a serious risk of road traffic collision, especially the crossing of the slip road to the A465, and the entrance road to the recycling centre. There is a real risk of increased numbers of young people walking to McDonald's and being knocked over by cars leaving the A465 or the recycling centre. There is also a high risk of traffic accidents for pupils walking to the site from Llanfoist Fawr primary school.

In terms of the visitor economy, the development does not in any way enhance sustainable forms of tourism as it is not primarily a tourism attraction, and any tourists

who did wish to visit McDonald's would in all likelihood do so by car, which is not regarded as a sustainable form of transport due to its reliance on fossil fuels.

In terms of the County Council's Local Development Plan, the proposal fails Policy S16 - Transport and Policy S11 – Visitor Economy

Out of town development

The development is situated outside of Abergavenny and as such is an out of town development. There is a risk that it will drain spending from local businesses situated inside the town, and harm locally owned businesses. The proposal has not demonstrated that it would not have a detrimental impact on the trade /turnover, vitality and viability of Abergavenny.

In terms of the County Council's Local Development Plan, the proposal fails Policy RET4 – New Retail Proposals.

Local amenity

The proposal would definitively generate additional litter locally (this is the experience of other McDonald's Drive Through's in the UK). It would be impossible for litter pickers to collect litter that has blown onto the A465 and so the development poses a potential risk to drivers. In addition, the proposal (as a 24 hour, 7 day a week operation) would inevitably generate additional noise, light and litter, at all times of day and night, and so would substantially detract from the local amenity of Llanfoist, to the detriment of the local residents.

In terms of the County Council's Local Development Plan, the proposal fails Policy EP1 - Amenity and Environmental Protection and DES1 – General Design Considerations

Conclusion

As the application fails to meet the County Council's LDP policy on the above grounds, it should be refused.

5.3.4 Member of Parliament for Monmouth David Davies – Letter received;

Many residents have contacted me in recent weeks regarding the above planning application for a McDonald's outlet at Llanfoist. First of all, I have explained to everyone that MPs play no role in the planning system and I do not have the authority to intervene in any individual application.

I have advised constituents to put forward viable planning arguments if they wish to either support or oppose the application. Some people have said they specifically object to McDonald's and have concerns about the nutritional content of their food and the company's employment policies. Others have written stating McDonald's would provide an opportunity for families to go out for an informal meal after 6pm in the evenings without being restricted to pubs or licensed restaurants.

I appreciate there are a number of strongly-held opinions by those both for and against but, in my view, not all of these arguments constitute valid planning concerns. There

are, however, obvious worries about visual intrusion (particularly if the applicant is looking to erect large neon signs), litter problems, and potential traffic congestion in what is now a residential area. You will be aware I have spoken out in the past about protecting Monmouthshire's environment and scenery, which is so important to the local tourist industry.

I wish to draw your attention to these issues and would be grateful if they could be taken into consideration during the decision making process.

- 5.3.5 Abergavenny Action 50+ Group – three people supported the scheme, twenty-six people were opposed, ten people abstained.

Lively discussion centred around the choice of site. Concerns about increased road traffic, possible accidents, more signs, especially at the two A465 roundabouts, and its prominence in the landscape seen from around Abergavenny. While some thought McDonald's would be popular for young people as well as the road users, it was also considered too far from north Abergavenny; those without cars would find the journey difficult especially if there were no late buses. People felt they had been given little time to respond and they wondered what other sites had been considered and if the developer had purchased the site.

- 5.3.6 Llanfoist Primary School – The Council's Planning and Highways departments should be aware that some children walk to school, along the Merthyr Road under the A465 underpass before it turns into Gypsy Lane. This involves crossing a slip road and two junctions further along which currently have no pedestrian safeguards in the form of stop lights/zebra crossings, traffic control persons. In years to come we anticipate more children walking to school from the new housing estates that have been built, and are being built, opposite Waitrose.

The proposed development is bound to increase the amount of road traffic in this section of the Merthyr Road. We are therefore anxious to know what strategies/plans have been designed with reference to Merthyr Road and the immediate surrounding area, specifically to take into account both walking safely to school, and encouraging children to walk to school.

There is also a subsidiary point of traffic congestion as a result of the likely increased traffic. This may cause problems at school opening and closing times for those parents driving down Merthyr Road from Waitrose end in order to deliver and pick up children at school.

- 5.3.7 Abergavenny and Crickhowell Friends of the Earth group – Object for the following reasons:

1. The proposal violates principle of sustainability enshrined in the Welsh Government's remit, namely;
 - Planning for retail policy favours in-town locations, whereas the proposal is for out-of-town.
 - There are many existing in-town eating outlets which would be threatened by the proposal.
 - There is no assessment with the application on how many jobs will be lost in the town centre.

- Fast food outlets like this create unsustainable quantities of packaging litter.
2. The proposed site is on raised ground in a highly prominent position in the beautiful Usk Valley and shows no respect for environmental sensitivity, in violation of MCC Policy.
 3. The fast food nature of the food offering is incompatible with Abergavenny's aim to be a 'foodie' tourist destination.
 4. The site will attract many children and the associated complex road and roundabout system make it unsafe.
 5. Public health risk. Fast food outlets like McDonald's have long been associated with unhealthy food containing too much sugar, fat and salt which has fuelled the obesity crisis. A very recent report by a health think tank urges the Government "to scale back the large number of takeaways near schools to reduce children's intake of fast food as part of a renewed drive against obesity". The think tank's chief executive said "there are far too many fast food premises near schools. Limiting their number would have the support of schools and would help create a healthier environment for the schools. At the moment they are undermining school's attempts to help students to choose healthy options." Full report in the Guardian at this website: www.theguardian.com/society/2014/oct/10/takeaways-schools-obesity-thinktank The proposal is within easy walking distance of Llanfoist school and is therefore unsafe for children for reasons of both traffic and health.
 6. A similar proposal from McDonald's was rejected by a Planning Inspector in 2001 because he said it violated Welsh Government policy in that "it would not help to sustain Abergavenny". This criterion applies with equal force to the present proposal.

5.3.8 SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

5.3.9 Wales & West Utilities – Wales & West Utilities apparatus may be directly affected by these proposals. Note to applicant.

5.4 Local Member Representations

Local Member Cllr Hickman – This application is contentious and there seem to be campaigns on both sides now with a fairly even split of for's and against on the online comments. I have always said that I will try and represent the views of the majority of residents of my ward. I will attend the planning meeting and speak on the day, I think with a level head. No doubt that something will eventually be built here, whatever it will be must be right, in keeping with the surroundings, and with design conditions put on whoever the builder is. No large 40 foot high advertising poles etc. I will of course continue to listen and monitor the situation.

6.0 EVALUATION

6.1 Principle of Development

6.1.1 This site benefits from outline planning permission for employment and commercial use granted in 2010. While the site is allocated under the current LDP (SAE1d) for B1 and B8 uses, the outline planning permission remains extant. The application has

not been submitted as a reserved matter to the outline consent as it is recognised that the proposed use does not fall within the uses granted permission. It should therefore be considered as a stand-alone application on its own merits. The site itself is relatively small being located between a service road and the existing council waste transfer depot. The applicant argues that the proposed drive-through restaurant cannot be accommodated within the town centre due to the size of site required and the need to be adjacent to a major through road, such as the Heads of the Valleys road. The proposed restaurant will generate employment and may encourage preferred B1 and B8 uses occupying the remainder of the site.

6.1.2 In terms of compliance with national planning policy, in paragraph 6.10 of the Retail Statement submitted with the application, the applicant appears to question whether the PPW guidance applies to the application proposal. It is considered that the reference to “*retailing, leisure and other complementary functions*” in paragraph 10.1.1. of PPW embraces a McDonald’s restaurant with ‘drive-through’ facilities.

6.1.3 Paragraph 10.2.4 of PPW describes the need for a diversity of uses within centres including restaurants.

“Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a diversity of uses in centres. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.”

6.1.4 The nearest town centre in this case is Abergavenny and the effect of the proposal on the vitality and viability of Abergavenny CSA is an important consideration. Paragraph 10.1.3 describes the matters that determine the vitality and viability of a shopping centre.

“Vitality is reflected in how busy a centre is at different times and in different parts, attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric, but also to allow for improvement and adaptation to changing needs.”

6.1.5 In response to PPW requirements, the LDP identifies a retail hierarchy within the County, which is described in Policy S6. Abergavenny is identified as one of the four ‘County Towns’. Policy S6 Retail Hierarchy says:

“All new or enhanced retail and commercial developments will be focused on the County’s main towns – Abergavenny, Caldicot, Chepstow and Monmouth – and in local / neighbourhood centres, and should be consistent in scale and nature with the size and character of the centre and its role in the retail hierarchy. Proposals which would undermine the retail hierarchy will not be permitted.”

6.1.6 Paragraphs 5.41-5.46 of the LDP describe the underlying issues and purpose of Policy S6, which include:

- Support for the County's main towns which are vulnerable to 'out-of-town' developments;
- Promotion of the retail/service function of the town centres, which is fundamental to achieving sustainable development;
- The role of employment, leisure, tourism and cultural facilities in creating vibrant centres that are attractive to residents and visitors;

6.1.7 Policy RET2 of the LDP refers to Central Shopping Areas (including within Abergavenny town centre), within which there is a presumption in favour of proposals that will safeguard the vitality, attractiveness and viability of the centres.

6.1.8 Policy RET4 of the LDP relating to New Retail Proposals identifies the preferred location for new retail and commercial/leisure entertainment developments, and is therefore of particular relevance to the application proposal. It states:

"The preferred location for new retail and commercial leisure/entertainment developments (not covered by Policy RET3 Neighbourhood Centres), including extensions to existing retail premises, will be in the designated Central Shopping Areas (CSAs). Where it can be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out-of-town sites. Where development outside the CSA is considered the proposal will be assessed against the following criteria:

- (a) a demonstrable need exists for the proposed development;*
- (b) the proposed development, either individually or cumulatively with other recent or proposed developments, would not have a detrimental impact on the trade/turnover, vitality and viability of town, local or neighbourhood centres;*
- (c) the proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy;*
- (d) the proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres;*
- (e) the proposal is in a location accessible to public transport facilities;*
- (f) the proposal is not on land allocated for other uses. This especially applies to land designated for industry, employment and housing, where retail development can be shown to limit the range and quality of sites for such uses."*

6.1.9 It is considered that in order for planning permission to be granted the requirements of Policy RET4 of the LDP are required to be satisfied. The relevant issues in relation to the principle of this development are therefore 'need', the 'sequential approach', and impact on the vitality and viability of existing centres together with the current allocation of the land for employment. These are addressed below with comments on the applicant's assessment that is principally limited to the sequential approach.

Need

6.1.10 Techniques for forecasting need, particularly quantitative need, are focussed on retail development. Although, paragraph 10.33 of PPW states that “*precedence should be accorded to establishing quantitative need*”, it is considered by the Council’s retail consultant that any such assessment in this case would be highly theoretical and unlikely to be meaningful.

6.1.11 Information on the existing restaurant/cafés on offer in Abergavenny is provided in paragraph 14.18 of the Monmouthshire Retail and Leisure Study 2010, which says;

“Abergavenny is well served by cafés and coffee shops, with approximately 18 facilities in the town centre. Restaurant provision is also good, although the Abergavenny Chamber of Trade has commented on a “perceived shortage of quality restaurants within the town”. In 2008, A3 retail units accounted for circa 2,281 sq. m of floorspace within the town centre.”

6.1.12 There are no McDonald’s restaurants in Abergavenny, the nearest being in Ebbw Vale and New Inn, some 14km and 15km away respectively. A restaurant in the proposed location would widen consumer choice in the area and be able to serve both Abergavenny and Llanfoist residents, as well as passing trade on the A465 Heads of the Valleys Road. It is also noted from some representations made in support of the proposal that the proposed restaurant would broaden the range of facilities on offer within the town. It is concluded that a McDonald’s restaurant in Abergavenny/Llanfoist can be regarded as meeting a *qualitative* need.

6.1.13 Whilst it is acknowledged that there is a qualitative need for a restaurant facility which would widen consumer choice, it is not clear that this extends to a specific ‘need’ for a restaurant with ‘drive-through’ facilities. No clear evidence has been submitted by the applicant demonstrating a specific need for a ‘drive-through’ restaurant (as opposed to a conventional restaurant) in the context of the PPW and LDP policy requirements.

6.1.14 In respect of new employment created by the proposal, paragraph 10.3.3 of PPW confirms that this is not a qualitative need factor, but is a material consideration for examination when determining the planning application.

Sequential Approach

6.1.15 The applicant has undertaken a sequential approach assessment in a separate report (Sequential Test (ST)). In applying the sequential approach the applicant draws a clear distinction between a conventional restaurant and a ‘drive-through’ restaurant, and that their sequential approach assessment investigates alternative sites for a ‘drive-through’ restaurant only.

6.1.16 It is accepted that the appropriate area of search is Abergavenny and Llanfoist and it is also accepted that the appropriate primary considerations are:

- *Site availability;*

- *Site suitability; and*
- *Site viability.*

6.1.17 There is no reason to believe that the application site itself does not satisfy these considerations, as put forward by the applicant in paragraph 5.10 of the ST report. However, the principal issue required to be addressed by policy is whether there are other sites within the area of search that can be identified using these criteria and whether those other sites are sequentially preferable in retail policy terms.

6.1.18 PPW requires developers (and local authorities) to adopt a flexible approach. Paragraph 10.3.5 says:

“To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. Rather than propose developments with a mixture of large scale retail and/or leisure uses and a large amount of car parking which can only be accommodated at single site out-of-centre or even out-of-town locations, developers are expected to demonstrate why they could not develop elements of the larger scheme on a site, or a number of sites, in more central locations with less car parking.”

6.1.19 It is considered that this guidance is relevant to the points made in paragraphs 4.7- 4.9 of the ST report, where the applicant distinguishes between a ‘drive-through’ restaurant and a conventional restaurant. McDonalds operates from both types of facility. Plainly the ‘drive-through’ model is less likely to be capable of being accommodated in town centre locations. While it might be possible to locate a sit-down McDonalds restaurant within Abergavenny town centre, it would not be possible to locate a drive-through restaurant there. Consequently, we would effectively be seeking an in-town McDonalds and an edge of centre/out of centre drive-through restaurant, both of which would have sit-in restaurant facilities.

6.1.20 The applicant has drawn attention to an appeal decision for a McDonald’s restaurant with ‘drive-through’ facilities in Treloggan Road, Newquay, ref: APP/Q0830/A/05/1182303. In this case the Inspector appears to treat a ‘drive-through’ restaurant as being a different type of facility to a conventional restaurant, despite the ‘drive-through’ McDonald’s including conventional restaurant facilities as well. In his decision letter the Inspector says: *“It is difficult to see how a developer could be flexible in respect of the format of a drive through restaurant. Unlike a conventional restaurant, which could easily be accommodated on any of the identified sites, a drive through by definition requires vehicular access and circulation through or around the building.”*

6.1.21 The views of the of the Inspector on this issue in respect of a case in Newquay (England) in 2005 do not sit comfortably with the current PPW 2014 guidance, which clearly seeks a flexible approach in terms of possible disaggregation of elements of the proposal and servicing/car parking.

6.1.22 In their analysis of potential alternative sites the applicant investigates sites that would be capable of accommodating the ‘drive-through’ model only, requiring a site of

approximately 0.3 hectares. It is noted that the applicant's comments on the unsuitability of vacant premises within Frogmore Street refer to a 'drive-through' rather than a conventional restaurant facility. However, this approach has been considered in some very public cases, with the outcome being that it is not for the development to be altered to fit alternative sites. Case law is categorical on this matter. In 2006, the courts held that it is not for the applicant to reduce or segregate their proposal to be made to fit elsewhere: "*The question is whether the alternative town centre site, in this case the existing Lidl site, is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site*" [Lidl UK GmbH v Scottish Ministers (2006)]

- 6.1.23 It is therefore not for the applicant to adapt their proposal to fit a site, rather to consider other sites that are of a suitable size that fit the proposal. In this case a drive-through restaurant.
- 6.1.24 In 2012, the courts confirmed that directing applicants to smaller town centre sites is inappropriate where those sites are unsuitable for the proposed use. The suitability is directed at the developer's proposal, not some alternative scheme: "*To refuse an out-of-centre planning consent on the grounds that an admittedly smaller site is available within the town may be to take an entirely inappropriate business decision on behalf of the developer*" [Tesco Stores Ltd v Dundee City Council (2012)].
- 6.1.25 The Rushden Lakes Secretary of State decision (APP/G2815/V/12/2190175) references the Dundee case. In agreeing with the Inspector, the Secretary of State confirms that the Dundee case established the principle that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential test. Thus, it is for the proposed development to be considered (not an alternative development), when looking at alternative sequential sites. The Inspector states "*There is no suggestion here that the sequential test means to refer to anything other than the application proposal*".
- 6.1.26 Having regard to case law, it is concluded that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may be accommodated in specific locations. However, robust justification must be provided where this is the case. In this case it is considered that the applicant has adequately demonstrated that there is a need for a facility in the area and that there are no alternative sites within the town centre that are suitable to accommodate this use, these being too small or unsuitable for a drive-through facility. The proposal for a drive-through restaurant at this site is therefore considered therefore to meet the sequential test.

Trade Impact on Town Centre

- 6.1.27 As with need, techniques for forecasting trade impact, particularly quantitative impact, are focussed on retail development. TAN4 refers to the requirements of impact assessments for retail development without reference to any other 'town centre' uses. As noted above, however, PPW paragraph 10.3.1. does state that "*When determining a planning application for retail, leisure or other uses best located in a*

town centre” local planning authorities should take into account a variety of considerations, including *“impact on existing centres”*.

- 6.1.28 The existing provision of restaurants and cafés that was identified in the Monmouthshire Retail and Leisure Study 2010 as noted above. Abergavenny was noted as being well served, although the Chamber of Trade commented on a perceived shortage of quality restaurants within the town.
- 6.1.29 A McDonald’s restaurant would compete most strongly with existing fast food facilities offering take-away products. However, even if specific existing facilities in the town centre were to suffer a significant diminution of trade, it is highly unlikely that the fast food sector as a whole in the town centre would be significantly affected.
- 6.1.30 Abergavenny has established a reputation for quality food, a highlight of which is the Abergavenny Food Festival, which draws large numbers of visitors as well as creating a brand and reputation for the town. The town and its environs also have several high quality eating facilities. It is highly unlikely that such high quality restaurants would experience direct trade impact from a McDonald’s restaurant, given the significant difference in offer. However, it is noted that some objections to the application proposal express concern about the possible damage to the town’s ‘food’ reputation due to a McDonald’s restaurant. The Council’s retail consultant considers that potential damage to reputation can only be a matter of judgement, as there is no objective way of testing any such potential impact. However, given that the town centre already has a diverse range of restaurant, café, and take-away facilities catering for a wide variety of tastes and needs (not only the quality end of the market), it seems unlikely that a McDonald’s restaurant on the application site would have any material adverse impact on the perception and status of the town as a high-end food centre. Likewise it seems unlikely that the application proposal would adversely affect to a significant degree other investment in facilities in the town centre.
- 6.1.31 A proposal for a McDonald’s restaurant and drive through on the nearby Hardwick roundabout was dismissed at appeal by an Inspector in 2001 for two reasons with one of those reasons being adverse impact on Abergavenny Town Centre. Notably, this application was not accompanied by a sequential test approach report and minimal evidence of need and the Inspector determined that it did not accord with Planning Policy Wales. Since this appeal decision fourteen years ago, case law has been established through the courts that have given more direction on the interpretation of PPW. In this case the sequential test has been applied on the basis of the specific type of restaurant proposed with need being established as a result of the Heads of the Valleys dualling that has taken place since the last appeal. The other reason for refusal related to the appeal proposal being likely to lead to hazardous pedestrian movements across the A465 (T) at the Hardwick roundabout. That aspect is not relevant to the current application as the site is in a different location well away from the Hardwick Roundabout, and pedestrian movements have been catered for within the wider road layout at the Westgate development site (see comments from MCC Highways, above, and par. 6.72 below).

6.2 Economic Development Implications

- 6.2.1 The proposed McDonald's is expected to employ 65 full and part time people, primarily from the local area. The development will also have additional spend and supply chain benefits.
- 6.2.2 Although the quality of McDonald's as an employer is not considered to be a material planning consideration, it should be noted that the company has a good track record in this regard as it has a commitment to staff education through both internal training programmes and externally recognised qualifications. The potential jobs that McDonalds would create if approved are therefore welcomed from an economic development point of view.

6.3 Design and Visual Amenity

- 6.3.1 The overall design of the restaurant building is generic to the McDonald's brand. This is the intention of the developer who has indicated that the proposed building has been designed based on the function of the building and to reflect the McDonald's corporate image (as stated in the Design and Access Statement). However Officers have negotiated a number of improvements to the finish materials resulting in a bespoke finish far more in keeping with its surroundings.
- 6.3.2 It is important to note that the site is adjacent to the waste transfer station, dual carriageway and land allocated for industrial use with overhead electricity cables and pylons crossing the site and it is within this context that the proposal must be viewed. The proposed building is single storey but would be in an elevated position above the A465. However, in terms of scale and massing it is considered that the building would not be unduly prominent when viewed in the context of the industrial type sheds at the waste transfer station and the three storey hotel that has consent on the adjacent site. It should also be noted that this site has outline planning permission for commercial development and is allocated in the LDP for employment uses. Were this application to be refused, there will in all likelihood be another building on this site. It is not the case that the site will be left vacant or undeveloped. Concerns regarding visual impact and the wider setting should be considered in this context.
- 6.3.3 Torfaen County Borough Council have offered no objection to the building itself and do not consider it likely that it will have a significant impact on the setting of the Blaenavon Industrial Landscape World Heritage Site due to existing development in the area but have suggested that the proposed materials could be more sensitively selected to include local stone and timber finishes. This was a view echoed by Monmouthshire County Council officers and therefore materials more appropriate to the local area have been discussed with and agreed with the developer.
- 6.3.4 Colours proposed are khaki, dark grey and local stone colours rather than the bright red and yellow branding of older McDonalds restaurants. Following negotiation the orange/brown modern/urban wood-effect finish used on newer McDonalds has been deleted. The proposed finishes are now reddish sandstone cladding on two corners, based on the stonework on Abergavenny's Market Hall, timber effect vertical battens on two other corners, dark grey coloured panels, and large areas of glazing on the

principal elevations of the building (the end elevation facing the westbound carriageway of the A465 and the elevation facing the car park). Samples of the materials will be sought prior to the commencement of development. The roof is flat with a projecting brise soleil feature. In the typical form, a brise soleil is a horizontal projection extending from the facade of a building and are commonly used to prevent facades with a large amount of glass from overheating during the summer. In this case the canopy feature runs around each side of the building sloping back towards the roof with spaces on each corner. Louvres have been incorporated to some sections to allow the low-angle winter sun to provide some passive solar heating. This element will also screen any necessary roof plant from view. Even from the upper slopes of the surrounding hills, any views of the rooftop plant would be so distant as not to be harmful.

- 6.3.5 The site is elevated above the Heads of the Valleys, but is set well back, separated by an embankment to be landscaped. Details of levels have been shown via a section drawing that shows that the area where the building is being located is 2m below its original ground level. A full lighting strategy for external areas of the site has been conditioned, as referred to by BBNP, Torfaen and Cadw.
- 6.3.6 The planting approved under the earlier Section 106 Agreement on the 2010 outline consent is unaffected by this proposal and will still be undertaken. This combined with the limited additional landscaping proposed by McDonalds will help to screen the proposed building and soften the impact over time (see section 6.4 below) and it is considered that the use of muted colours and elements of local stone will help the building respond acceptably to the local context, being a unique materials palette to Abergavenny.

6.4 Landscaping

- 6.4.1 The application site is elevated above the adjoining road and any development here will have a visual impact upon the surrounding landscape and can be viewed from local Public Rights of Way, the Iron Mountain Trail, National Trails, cycle routes, A465 (T), historic assets and nearby tourism and leisure facilities. As stated above, the principle of buildings being located on this site is already established. However, landscaping needs to be a key element of this proposal.
- 6.4.2 Strategic landscaping for the wider site should be implemented in accordance with the ecological framework outlined in the previously approved Great Crested Newt Mitigation Strategy which is part of a Section 106 Legal Agreement for the whole of the Westgate site. This includes an 18 metre belt of new tree and shrub planting on land immediately adjacent to (east of) the application site on land outside the applicant's control. As part of the wider site development, the existing road to the Waste Transfer Station will be removed and the area landscaped resulting in a more gradual slope upwards from the edge of the slip road to the edge of the site. The slope will be around 10 metres wide and will be planted up with trees and shrubs. A small part of the road running parallel to the Heads of the Valley slip road leading to the waste transfer station will remain in the north-eastern corner of the site and therefore the landscape buffer will be reduced in that area. Part of the current application site for the McDonalds restaurant (the bank between the restaurant and the Heads of the Valleys road) would overlap with the strategic planting area. However, this area will

be planted up to complement the scheme already envisaged by the previously approved GCN mitigation proposal. Although the detailed landscaping is not shown on the drawings submitted with the application, the applicant has formally agreed that a pre-commencement condition requiring the submission of a scheme of landscaping that includes tree planting on the bank will be acceptable. The suggested condition is condition no.7 at the end of this report.

- 6.4.3 Within the application site itself, McDonald's are proposing to plant ten native species trees which will be between 4 and 4.5m tall and four smaller 2–2.5m multi stem trees around the edge of the site. A new native hedge is also proposed along the western and northern boundary with the new access road to the waste transfer station. The remainder of the site that is not required for car parking will be grassed. As noted in the preceding paragraph, a condition would seek to secure additional screen planting between the site and the A465 (T).
- 6.4.4 It is considered that the planting required under the earlier Section 106 Agreement and that to be implemented by McDonalds will help to screen the proposed building and soften the impact over time when viewed from the Heads of the Valleys road as well as more distant views from Abergavenny Castle. Views from the Blorenges will be against the backdrop of the existing waste transfer station and proposed planting and when viewed in context with the approved Premier Inn, Brewers Fayre and Costa, existing Westgate Yard buildings, A465 (T) dual carriageway and housing beyond, the proposed building is unlikely to significantly affect the character of the area.
- 6.4.5 As recognised by Cadw, the application area is located some 800m to the east of the boundary of the World Heritage Site, 984 Blaenavon Industrial Landscape, which at this point includes the slopes of Blorenges. The site is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of Blorenges and from the higher slopes it will merge into the urban conglomeration. As such, there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

6.5 Green Infrastructure

- 6.5.1 The concept of wider Green Infrastructure improvements, ecology and landscaping was considered at the outline application stage for the wider site. Consequently it is not considered reasonable or necessary to seek to revisit that agreement simply because LDP Policy GI1 and associated Supplementary Planning Guidance are now in force, nor would it be within the scope of this current application to revisit that wider approval. The landscaping proposed as part of this application will be enhanced by the considerable wider landscaping and ecological enhancements considered and approved for the wider site, and these measures are considered to comply with the spirit of the Green Infrastructure policies.

6.6 Biodiversity

- 6.6.1 In February 2009, David Clements Ecology Ltd prepared a report entitled 'Mitigation Strategy for Great Crested Newt and Other Protected Species' in connection with the outline planning application (DC/2008/00818) for residential and

commercial/employment use of the Westgate site as a whole. A subsequent application for details of the residential development and infrastructure and landscaping across the site was also approved in 2013. A derogation licence from NRW was obtained in March 2014 to cover the potential harm and/or disturbance to great crested newts and their habitats known to be present within the site. This licence covers the mitigation for the entire site as well as the long term management of the site.

- 6.6.2 This application by McDonalds which details the design of the development in the north-eastern corner of the site has been assessed against the requirements of the existing NRW licence and previous planning consents. David Clements Ecology Ltd have confirmed in writing that the landscaping plan (MK MCD ABG 01-Rev C) submitted with the application conforms to the mitigation strategy as outlined in the original mitigation strategy and plan.
- 6.6.3 The proposed landscaping has been designed to provide a new native hedgerow around the periphery of the site which is connected to a hedgerow around the remainder of the site, as well as the creation of native species rich grassland and areas of scrub. These areas will be separated from the McDonald's building and car park by suitable fencing. The newly created habitats will be managed in the long term in line with the existing Biodiversity Management Plan (DCE 2014) which also accompanies the NRW licence. This is also referred to on the landscaping plan (referred to above), submitted with this application.
- 6.6.4 In light of this, it is considered that subject to the implementation of planting as proposed, no protected species will be harmed as a result of this development and that the necessary duties in relation to the conservation status of protected species have been met.

6.7 Access, Parking and Layout

- 6.7.1 The proposed access to the site has been approved under previous applications. The site itself includes 33 car parking spaces and 6 cycle spaces and meets requirements of the adopted Monmouthshire Parking Guidelines.
- 6.7.2 The new road layout will reduce the speed of traffic leaving the A465 (T) due to a new roundabout approximately half way down the current slip-road. In terms of pedestrian access, the proposed restaurant is located in what can be considered an out of town development and pedestrian footfall is likely to be light considering its location. However, pedestrian accessibility will be improved as a result of the development and the necessary measures are in place for the diversion of footpaths. The development has been designed to accommodate and promote pedestrian movement this has been achieved by the introduction of footways on both sides of the estate roads, internal junction crossing points, the widening and enhancement of an existing public footpath to provide a direct link from the development to Merthyr Road and the introduction of a controlled pedestrian crossing point (puffin crossing) on the re-engineered A465 (T) Heads of Valley off slip road between the existing and proposed new roundabout. Monies to improve pedestrian links between Llanfoist and Abergavenny have been secured via the Section 106 Legal Agreement that accompanied the outline consent DC/2008/00818. It is therefore considered that the

concerns raised regarding non-car accessibility and pedestrian safety both for potential customers and for local residents passing through the area have been addressed.

6.8 Residential Amenity/Litter

6.8.1 There are no residential properties in the immediate vicinity of the application site that would be directly affected by the proposed development. Consideration has been given to amenity impacts on existing properties as well as those under construction/ approved on nearby land. However, the issue of litter creation has been raised by some local residents. Litter is covered under the Environmental Protection Act 1990 and is not a material planning consideration. However, it is worth noting that McDonald's will conduct a minimum of three daily litter patrols where employees pick up not only McDonald's packaging but also any other litter that may have been discarded within the vicinity of the restaurant. Litter bins are provided outside all restaurants and anti-littering signage is also displayed within restaurants and car parks with support being given to Keep Wales Tidy. Littering away from the restaurant unfortunately cannot be controlled by McDonald's as it is the responsibility of the individual to dispose of their litter in a proper manner. However, elsewhere, where 'hot spots' of McDonald's litter have been identified and brought to the attention of the company then McDonald's have agreed to carry out targeted litter-picks in identified areas on a weekly basis.

6.8.2 In terms of odour, the proposed restaurant will utilise an air extraction system which incorporates electrostatic precipitators and labyrinth systems that remove air borne grease and odours and ensure that only purified air is expelled from the restaurant. The distance to the nearest residential property means that there would not be an unacceptable odour or noise problem.

6.8.3 Refuse is proposed to be stored in large containers in an entirely closed area identified as the 'corral' on the plans. It is therefore unlikely that the use would result in an unusual amount of vermin. Other legislation is available to tackle such problems, for example via Environmental Health, and clearly it would be in the company's commercial interests to avoid such a problem arising.

6.8.4 Given the distance between the site and the nearest dwellings as well as the proximity to the Heads of the Valleys' dual carriageway, it is not considered that noise will be an issue that would require mitigation.

6.9 Impact on Health

6.9.1 Paragraph 3.1.4 of PPW states that health can be a material planning consideration in some cases. The nutritional quality of the food on offer at McDonald's has been raised by various local residents and Public Health Wales.

Although relatively close to Llanfoist Primary School, the school's operating policies would not allow primary school children to leave the premises alone during lunch breaks. Visits to the restaurant on the way to or from school or with parent/guardians during lunch breaks are a matter for responsible parenting in ensuring a healthy and balanced diet for both themselves and their children. It should be remembered that

planning permission is being sought for a Use Class A3 outlet. Planning permission could be granted for a salad bar outlet but this could later be converted into a fast food outlet without planning permission. It could be argued that land use planning decisions should be just that, and that it is not the role of the planning system to seek to govern or control the availability of certain types of food or to try and address a short-coming in some people's eating habits, dietary education or levels of exercise. It is not the case that the proposed restaurant serves only unhealthy food, nor would the facility be the only eatery in the area: dietary choice exists. Similarly its construction does not result in the loss of any leisure/recreation facilities and therefore does not result in a direct impact on people's ability to remain healthy and fit. Although designed and located primarily to serve passing vehicular traffic, access via non-car transport is made available and the site is not so remote that such access is unrealistic. On balance therefore, it is considered that the proposed restaurant will not lead directly to increased poor health in the local area.

6.10 Signage

6.11.1 Three further applications have been submitted for signage related to the proposed restaurant. These cover signage on the building itself, various smaller signs around the building and an 8m high illuminated totem sign. The signage is not therefore a matter to be considered under this application and it would not therefore be justified to refuse this application on the basis that the signage is not acceptable. If one or more of the applications for signage are refused by the Council then the applicants will have the right of appeal to Welsh Government. If such an appeal was then dismissed it would be a matter for the applicants whether to commence the development in the absence of their desired signage.

6.11 Response to Llanfoist Fawr Community Council Comments

The additional details referred to by Llanfoist Fawr Community Council such as 3D modelling and an overall site plan that would include details of development granted planning consent on sites outside the applicant's control, but yet to be built, whilst useful, are not required to enable a decision to be made on the application and therefore the Council cannot insist that this information is produced.

The site is allocated in the development plan for B1 and B2 uses (offices and industry) with an additional area already being developed for housing. Beyond this allocation the Council does not have any control over which developers come forward and can only make planning decisions based on what is before them.

The Community Council refers to the application being a departure from the outline consent. As stated previously in this report, this application is a full planning application and should therefore be considered as a standalone application on its own merits. The proposed use is not considered to contradict or prevent the Council's employment aspirations for the site and is considered to complement that offer. That is not to say that further proposals for non-B1 or B2 'commercial' uses will be supported: proposals would have to be considered on their merits but the range of employment-supporting services is considered to be sufficient at this time.

With regards to lighting, illuminated signage is to be considered under three other concurrent applications. Any illumination should however be controlled in terms of brightness and hours of use. Details of lighting of the car park and other areas around the restaurant can be controlled via condition. Although there would be an element of light spill from within the restaurant, the level of harm from this is considered to be minimal given the context of the built-up surroundings and well-lit dual carriageway adjacent.

The proposed design does reflect the McDonald's corporate image, however Officers have successfully negotiated improvements to the proposed finishes to result in a bespoke palette for Abergavenny that would be in keeping with the surroundings and also result in a more subtle appearance than originally proposed. It is worth noting that Torfaen County Borough Council have not raised an objection to the principle of the building at this location and BILWHS Partnership would not wish to object to the principle of developing this site for such a use. The objection from BBNP made particular reference to the totem sign proposed under a separate application rather than the building itself. Cadw acknowledges that the proposal is part of a much larger development including a hotel and housing. The existing buildings of Llanfoist, plus the new buildings of the proposed development will screen the proposed restaurant from views from the lower slopes of The Blorenge and from the higher slopes it will merge into the urban conglomeration, and as such there will be a negligible impact on the Outstanding Universal Values of the World Heritage Site.

Llanfoist Fawr CC mention in their objection that there is confusion as to whether a full ecological assessment of the site has been completed. To clarify, this application by McDonalds which details the design of the development in the north-eastern corner of the site has been assessed against the requirements of the existing NRW licence and previous planning consents. David Clements Ecology Ltd have confirmed in writing that the landscaping plan (MK MCD ABG 01-Rev C) submitted with the application conforms to the mitigation strategy as outlined in the original mitigation strategy and plan.

There is a suggestion by the Community Council that if people travelling on the A465 (T) are given a 'lazy' out of town alternative then this will reduce the visitors to the town centre (thereby reducing its vitality). Although a valid concern, it is considered that a McDonalds restaurant would compete most strongly with existing fast food facilities offering take-away products. However, even if specific existing fast food take away facilities in the town centre were to experience a significant diminution of trade, it is highly unlikely that the fast food sector as a whole in the town centre would be significantly affected.

The Community Council consider that the pedestrian and cycling infrastructure in Llanfoist and between Llanfoist and Abergavenny is inadequate and unsafe and has long been a topic ignored by Monmouthshire County Council. Improvement of green transport links between Llanfoist and Abergavenny is actually part of justification for Section 106 money secured under the planning consent DC/2008/00818, the payment of which will be triggered by the occupation of the Persimmon homes to the southern end of the site. However, by virtue of its roadside location on allocated employment land, it is considered that the majority of visitors to the restaurant will be travelling by

car already and will stop at this site rather than other McDonalds outlets at Ebbw Vale and Cwmbran/ New Inn.

The Community Council has suggested that a completely new transport assessment should be required. The Welsh Government is responsible for highway safety within the vicinity of the site as the site is accessed from a trunk road. They have no objection on road safety grounds to the proposal and it is therefore considered to be unreasonable to require the developer to provide any additional information.

The 2001 appeal decision considered a McDonalds restaurant near the Hardwick roundabout prior to the dualling of the A465 (T). This aspect has been considered in par. 6.1.31 above.

The proposal in relation to retail policy has been considered above in section 6.1.

6.12 Response to Abergavenny Civic Society Comments

In terms of the balance of drive through to seating element of the proposal as raised by the Civic Society, the developer contends that the number of seats is necessary for economic viability of the facility. The applicant company has advised that all new McDonald's restaurants now include a drive through element except for those proposed in Central London.

With regards to concerns raised regarding lack of information, sections were subsequently provided by the developer and finished floor levels will be required by condition. The fall-back position for the site is for office or industrial buildings which are likely to be larger in scale than the proposed McDonald's.

It is hoped that the amendments made to the external finishes since comments from the Civic Society were received help alleviate some concerns regarding design.

Other issues raised by the Civic Society in relation to road safety have been addressed above in paragraph 6.11.

6.13 A significant number of other comments, both in support of the proposal and in objection, have been reported above. It is considered that the matters raised have been addressed in the report.

6.14 In conclusion, the applicant has justified that there is no sequentially preferable location for a drive-through restaurant. The impact of the proposal on the vitality and viability of Abergavenny Town Centre and other sequentially preferable retail locations is considered to be minimal. Abergavenny is a thriving town and it is not considered that this facility would have a significant detrimental impact on that, nor on the town's reputation as a leading 'foodie' centre. Design improvements mean that the proposal is now considered to be acceptable, taking into account its wider setting and the features of landscape and heritage importance in the locality, as well as the existing and proposed built development on adjacent land. This takes into account the already approved landscaping proposals, as well as those to be implemented by the applicant. The impact on residential amenity is considered to be acceptable. Vehicular and pedestrian access is acceptable as are the proposed parking

arrangements. The restaurant offers a range of food choices, and other outlets are available in the wider area. Responsible adults will be able to make informed choices about their eating, lifestyle and travel habits, and to educate those entrusted to their care to do likewise. The proposal brings welcomed employment opportunities and would not prejudice the Council's aspirations for the wider employment allocation.

7.0 RECOMMENDATION: APPROVE

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	No external lighting shall be installed that has not first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed external lighting as well as details of their hours of use. The development shall be carried out strictly in accordance with the approved details.
4	Notwithstanding any materials specified in the application, details and samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved by the local planning authority before any works are commenced. The development shall be carried out in accordance with the approved materials.
5	The premises shall be used for drive through restaurant purposes and for no other purpose (including any other purpose in Classes A1, A2 and A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987) without the prior written approval of the Local Planning Authority.
6	No development shall take place until details of any roof plant or machinery have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
7	No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping as detailed on Plan A- Mitigation Strategy by DCE dated July 2012 approved under outline consent ref DC/2008/00818 or a landscaping scheme otherwise agreed in writing by the Local Planning Authority.
8	All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, 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.