

DELEGATED REPORT

Application No:	P/25/0081
Site Address:	McDonalds Restaurant Unit 10 Merthyr Tydfil Leisure Village Merthyr Tydfil CF48 1UT
Development:	Refurbishment of restaurant to include changes to windows, doors and elevations. New enclosed bin storage area, new block paving hard standing and other associated works.
Case Officer:	Marlene Ferreira
Site Visit:	3rd April 2025
Application Expiry Date:	16th May 2025
Consultation reply date expired:	16th April 2025

APPLICATION SITE

The application site relates to Unit 10, currently occupied by McDonalds Restaurant, located in Rhydycar Leisure Village. The site measures approximately 0.10 hectares and is served by a large car parking area, which appears to also be used in association with other businesses within the leisure site (i.e. Harvesters, Franky & Benny's, etc).

PROPOSED DEVELOPMENT

This application seeks planning permission to carry out refurbishment works to the restaurant, to include external and internal alterations, some of which do not require planning permission.

The alterations proposed include:

- Replace existing decorative timber slats with aluminium slats to the southern front elevation;
- Repair existing stone cladding to the southern front elevation;
- Obscure window with film to the eastern side elevation;
- Respray (grey) projecting booth windows to the eastern side elevation;
- Replace existing decorative timber slats with aluminium slats to the eastern side elevation;
- Replace existing decorative timber slats with aluminium slats to the northern rear elevation;

- Provide a bin storage area (measuring 9.9m wide and 1.65m deep), to the northern rear elevation, enclosed by a 2m high timber fence.
- Replace existing decorative timber slats with aluminium slats to the western side elevation;
- Repair existing stone cladding to the western side elevation;

Other alterations include:

- Replace existing block paving slabs with charcoal block paving;
- Re-sleeve lamp posts (no changes to lighting);
- Replace existing patio furniture with Aubrilam patio furniture.

It is noted that the list of works include a new click & serve sign to read 'park in any numbered bay'. This part of the works would require advertisement consent and as such, a separate application would need to be submitted.

PLANNING HISTORY

The following planning history is relevant to this site:

P/19/0266 – Erection of signage – Approved: 4th November 2019

P/14/0041 – Erection of 4.5 Totem signage – Approved: 1st April 2014

P/14/0039 – Reconfigured signage suite with additional signs – Approved: 4th April 2014

P/10/0171 – Erect freestanding Totem sign – Approved: 23rd September 2010

P/09/0193 – Construction of McDonald's drive thru, car parking, access and associated works – Approved: 9th October 2009

CONSULTATION

Head of Engineering and Highways	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, neighbouring units were consulted and two site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 12 (February 2024)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 6.4.3 discusses biodiversity and states that *‘...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...’*

- Technical Advice Notes (TANs)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *‘...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is*

carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

Local Planning Policies

- Merthyr Tydfil Local Development Plan 2006-2021

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed external alterations to the McDonalds premises and site would be acceptable in respect of its impact upon the appearance of the building and the character of the area. The impact of the proposal upon amenity of nearby occupiers, ecology, parking provision and highway safety are also important considerations.

Character and Appearance

The works proposed to the building are low key alterations comprising of replacement decorative timber slats, repairing of stone cladding, respraying of windows and adding film to windows (which would not require planning permission). In respect of the external works within the site, it is noted that the existing paving slabs would be upgraded to charcoal grey slabs, the existing lighting column sleeves would be replaced, and new patio furniture would be introduced in an area already used for the siting of tables and chairs. Thus, the most prominent alteration would be the addition of an outside bin storage area, to the northern side elevation. This would be enclosed by a 2m high timber fence and would help to segregate the collection of waste in support of the operation of the restaurant.

Overall, these works would amount to minor changes which would serve to maintain, enhance and update the appearance of the building and support the operations of the business. As such, it would not have any detrimental impact upon the character or appearance of the unit or the wider retail park. The proposed works would therefore be considered acceptable within this setting and would accord with Policy SW11 of the LDP.

Amenity

The proposal mainly relates to the refurbishment works/alterations. Although, it would include a new bin storage area, this is a small-scale addition which would be enclosed by 2m high close boarded timber fence. As such, it would not appear overbearing or cause any adverse impact when viewed from other nearby commercial units. Thus, the proposed alterations/extension would not be deemed harmful to the amenities of nearby occupiers and would therefore comply with Policy SW11 of the LDP.

Ecology

Given the nature of the works proposed, the application has not been supported by any survey work. The Council's Ecologist has also considered the proposal and has not requested that any specific surveys be submitted.

A Green infrastructure statement (GIS) has been included with the application. The document recognises that there will be no impact resulting from the proposed development and states that *'...proposed bin store will be constructed on the existing hard surfaced development island. There is no impact to the existing turf or planting within the site. The existing external lighting will be retained and so there will be no impact to the green infrastructure in the site or surrounding area...It therefore concludes that it '... will have no impact on the biodiversity of the area and thus mitigation is not required. Thus, ensuring that any adverse environmental effects are avoided...'*

The Council's Ecologist has considered the GIS and agrees that no habitat will be impacted by the proposed works and the stepwise approach has therefore been appropriately applied. However a net benefit for biodiversity has not been considered and as such details of enhancements has not been included with the application. Thus, the Council's Ecologist has therefore requested that a condition in this respect be added to the application.

The proposed development, subject to a suitably worded condition in respect of biodiversity enhancement, would be considered acceptable and would accord with Policy EnW1 of the LDP.

Parking Provision and Highway Safety

The proposed development includes minor changes to the parking numbers, which have been numbered for clarity. As such, the proposed development does not include any loss of parking, additional parking or alterations to the drive thru area. The Head of Engineering and Highways has been consulted on the application proposal and it is noted that no concerns or objections have been raised. The proposed development would therefore not be deemed to give rise to any highway or pedestrian safety concerns and would therefore accord with LDP Policy SW11.

CONCLUSION

For the reasons set out above the proposed development is considered to be acceptable and complies with the relevant LDP policies.

Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (“the WBFG Act”) has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Site Plan Drawing No. P21-050-1364-300 Rev A, received: 21st March 2025;
- Existing & Proposed General Arrangement Plan Drawing No. P21-050-1364-06 Rev A, received: 21st March 2025;
- Existing & Proposed External Elevations - Drive Thru Drawing No. P21-050-1364-05 Rev A, received: 21st March 2025;
- Aubrilam Patio Seating, received: 21st March 2025;
- Green Infrastructure Statement, received: 21st March 2025.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, to include a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. No advertisement material apart from that permitted by the Town and Country Planning (Control of Advertisement 1985) shall be placed on the building or within the site without the prior advertisement consent of the Local Planning Authority.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 15.05.2025