

PLANNING & DEVELOPMENT COMMITTEE

25 April 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1105/13 (KL)
APPLICANT: Demipower 2017 Ltd
DEVELOPMENT: Outline application for a drive through food and drink unit (Use Class A3) up to 160 sq metres (all matters reserved except for means of access) (Updated FCA Rec. 05/02/24)
LOCATION: KENTUCKY FRIED CHICKEN RESTAURANT, HEOL-Y-PWLL, TREFOREST INDUSTRIAL ESTATE, TAFF'S WELL, CARDIFF, CF15 7QX
DATE REGISTERED: 06/10/2023
ELECTORAL DIVISION: Taff's Well

RECOMMENDATION: Approve

REASONS:

The proposed development would provide an additional food and drink drive-thru establishment (Use Class A3) within a part of Treforest Industrial Estate which is already characterised by a series of leisure and food and drink uses.

The development would be positioned within the curtilage of the existing KFC premises where its wider visual impact would be minimal and could be accessed without causing harm to highway safety.

Furthermore, with the nearest residential properties being situated approximately 100m away, the development would have a limited impact upon the amenity and privacy of the nearest residents.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Outline planning permission is sought for the construction of a single storey drive-thru unit on land which currently forms part of the car park relating to an existing drive-thru restaurant (KFC) at Heol-y-Pwll, Treforest Industrial Estate.

The application is made in outline with all matters other than access being reserved for future consideration. An indicative site layout plan has been submitted which indicates that the proposed unit would be accessed off Heol-y-Pwll, via the existing access to the existing KFC unit with the proposed unit being positioned towards the south-western boundary of the site. Details submitted with the application indicate that the unit would have a floor area of up to 160 sqm with following indicative scale parameters being proposed:

	Min (mm)	Max (mm)
Width	15,000	17,030
Depth	8,000	9,190
Height	5,000	5,200

No details of opening hours or staffing numbers have been provided at this stage.

In addition to the plans and drawings, the application is accompanied by the following supporting documents:

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Delivery and Servicing Plan;
- Flood Consequences Assessment (1st February 2024);
- Flood Consequence Assessment and Drainage Strategy (27th September 2023);
- Ground Investigation Report;
- Desk Study Appraisal (Ground Investigations).

SITE APPRAISAL

The application site comprises land within the curtilage of a Kentucky Fried Chicken restaurant and drive-thru which is located off Heol-y-Pwll in Treforest Industrial Estate.

The site measures to an area of approximately 0.1 hectares and is currently a flat tarmarcked surface that is laid out for car parking in association with the aforementioned premises. The site is accessed via the roundabout at Heol-y-Pwll with this being shared with the Macro store to the north-west.

The surrounding area is characterised by a number of commercial and educational units with a cinema, bowling alley and various food establishments being located on the opposite side of Heol-y-Pwll to the north and Coleg Cymoedd Nantgarw being located to the south-east. Rhyd-yr-Helyg, a residential cul-de-sac, is located approximately 100m to the south-west.

PLANNING HISTORY

The following planning applications are on record for this site:

13/1145	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 12 of planning approval 13/0693/10 : Engineering Design Details (Highways). and condition 3: Landscaping.	Granted 23/12/13
13/1144	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 9 of planning approval 13/0693/10 - Drainage.	Granted 12/12/13
13/1143	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 7 of planning approval 13/0693/10: Grease trap system,	Granted 12/12/13
13/1142	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Discharge of condition 15 of planning of planning approval 13/0693/10: Traffic Management Method Statement.	Granted 09/12/13
13/0992	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Proposed Advertisements (Illuminated)	Granted 10/12/13
13/0693	Kentucky Fried Chicken Restaurant, Heol-Y-Pwll, Treforest Industrial Estate, Taff's Well, Cardiff, CF15 7QX	Erection of a Class A3 (Food and Drink) drive thru restaurant, car parking and ancillary works at surplus car parking at Makro, Hoel Y Pwll, Nantgarw	Granted 09/09/13

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site. One letter of objection has been received which is summarised as follows:

- An additional drive-thru on the KFC site reduces the number of parking spaces.

- The development would have a larger draw having 2 operators.
- If the car park on the KFC site becomes full, the adjacent Makro site will then be use as an overflow which would not be permitted.
- The development will result in additional littering.

CONSULTATION

The following consultation responses have been received:

Coal Authority: No objection.

Flood Risk Management: No objection. Condition recommended.

Highways and Transportation: No objection.

Natural Resources Wales: No objection.

Public Health: No objection. Conditions recommended.

Welsh Water: No objection. Conditions recommended.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 Development in the South: sets out criteria for achieving sustainable growth that benefits RCT as a whole.

Policy AW2 Sustainable Locations: advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 New Development: sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 Design and Placemaking: requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 Environmental Protection and Public Health: development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA27 Treforest Industrial Estate/Parc Nantgarw: permits other uses, including A1, A2 and A3 uses on Treforest Industrial Estate where they are complimentary and ancillary to the main B class uses.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were

commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 12 (PPW) was issued on 7th February 2024 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The proposal involves the development of a new food and drink unit with a drive-thru (Class A3) and associated works. The site itself currently forms part of a car parking area for an established drive-thru unit (KFC) which is situated within settlement limits and within the boundary of Treforest Industrial Estate/Parc Nantgarw.

Policy SSA27 is of particular relevance in the consideration of this application. Whilst this policy primarily seeks to promote Class B1, B2 and B8 uses in Treforest Industrial Estate and Parc Nantgarw, it also permits uses under Classes A1, A2 A3, C1, D1 and D2 where they would be complimentary to the main B Class uses and provide a supporting function.

In the case of the current application, the scheme proposes the development of a building with a floor area of up to 160 square metres which may be regarded as complimentary to the established uses in the area. In terms of location, the site lies in close proximity to the Parc Nantgarw leisure complex, which includes a cinema, bowling alley and other A3 establishments (McDonald's, Nandos, Frankie and Benny's and KFC). As such, the application site would have a good relationship with these facilities and the addition of a further Class A3 unit would increase choice for customers. The site is also located in close proximity to Coleg Cymoedd Nantgarw and numerous other commercial and industrial uses. It is therefore reasonable to consider that the development would not be regarded as a destination in its own right, relying on linked trips with the adjacent leisure, educational and commercial facilities or on pass-by trade with vehicles already being on the highway network.

Furthermore, the facility would have limited space for internal seating, which would cater for the convenience market aimed at meeting the needs of those working or studying in the immediate and wider industrial estate.

It is acknowledged that Policy AW11 seeks to protect existing employment land; however, in this instance, the unit would be located within the curtilage of and within the surfaced car parking area of the existing KFC unit and it is not considered that its development would result in the loss of any floorspace.

As such, it is considered that the scheme is of an appropriate scale and in an appropriate location for an ancillary Class A3 use and the principle of the development is therefore considered acceptable, subject to an assessment of the following criteria:

Character and Appearance

As an outline application with all matters reserved except for access, it appears that a building of the floorspace indicated could be easily accommodated within the site. Furthermore, it is considered unlikely that the unit would have an adverse impact upon the character of the area, given the indicative scale of the unit and its position in an area which is already characterised by a series of other food outlets, including the adjacent KFC unit, McDonald's, Frankie and Benny's and Nandos.

Nonetheless, since matters of appearance, landscaping and scale have been reserved, a full assessment of these issues will be subject to consideration as part of a future reserved matters application and there are no objections at this point.

Residential Amenity and Privacy

The development would be some distance away from the closest residential properties, which are located approximately 100m away to the south-west. Given this distance and the fact that these properties are separated from the site by a thick line of trees and part of the Makro car park, a building of the scale parameters proposed would not cause any direct amenity issues for residents.

Whilst there is some potential for additional noise and disturbance as a result of the proposed new unit, the site is situated in an area in which there is already a greater degree of activity throughout the day and night. The development is considered to be of a modest scale and it is therefore unlikely that it would have such a significant impact upon the amenity of existing residents that it would warrant the refusal of the application.

In terms of the other occupants on the wider industrial estate, it is not considered that the proposed food and drink outlet would affect the carrying out of their businesses.

It is noted that one letter of objection has been received which raises concern with regards to additional litter and whilst this is noted, this is an issue that is somewhat difficult to control however, it would not be a reason to refuse planning permission.

Access and Highway Safety

The application has been reviewed by the Council's Highways and Transportation section in order to determine the likely impacts of the development on highway safety in the vicinity of the site. The response received indicates that no objection is raised to the proposal with the comments being summarised as follows:

Access

The proposed would be accessed via the existing KFC car park served off Heol Y Pwll.

The applicant proposes a new footway link to spur off the existing footway link to KFC which will prevent/limit the amount of pedestrian walking through the car park to access the proposed which is considered acceptable.

Internally within the car park, a one-way system will be implemented as a result of the reconfiguration of the car park to provide a practical arrangement that maintains access / egress from the KFC drive-thru whilst also providing suitable access to the proposed unit and car parking. Access arrangements to the existing KFC drive-thru will be unaffected by the development proposals.

Deliveries

The applicant also states that deliveries will take place outside of peak times which is considered acceptable. HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

The applicant has also submitted a swept path analysis of their largest anticipated vehicle which indicates that the vehicle is able to safely access and egress the site in a forward gear which is considered acceptable.

Public Transport

The nearest bus stops are located approximately 160m to the south of the Site. Bus stops are provided with a bus shelter, timetable information and street lighting. The bus services operating from these stops are summarised in Table 3.1.

Route No.	Stops	Frequency (no. buses per hour)		
		Mon-Fri	Saturday	Sunday
26	Cardiff – University Hospital of Wales – Nantgarw – Caerphilly – Blackwood	1	1	1
102	Glyn-coch – Pontypridd – Rhydyfelin - Nantgarw	3	3	n/a
120	Blaen-cwn – Cwm-parc – Porth – Pontypridd – Hawthorn – Nantgarw – Caerphilly Interchange	2	2	0.5
132	Maerdy – Porth – Pontypridd – Hawthorn – Nantgarw – Whitchurch - Cardiff	5	4	1
400	Beddau – Llantwit – Church Village Library – Ton- Teg – Nantgarw – Cardiff	2	2	0.5

Treforest Estate Railway Station is located approximately 1.05 kilometres northwest of the Site, equivalent to an average 24-minute walk or 8-minute cycle. The railway station is situated on the Transport for Wales line, which provides half-hourly services between Barry Island and Pontypridd.

Parking

The existing KFC unit has a parking requirement of 1 space per 3 staff and 1 space per 14m² in accordance with SPG: Access, Circulation and Parking Requirements (March 2011). There is lack of information regarding the internal layout and existing staff members of KFC. However, it is assumed that the existing KFC would have up to 12 members of staff working at any one time and a dining area parking requirement of 11 spaces. Therefore, the existing has a parking requirement of 15 spaces.

The proposed has a parking requirement of 1 commercial vehicle space and a non-operational requirement of 1 space per 60m². Therefore, the proposed has a parking requirement of 4 spaces in accordance with SPG: Access, Circulation & Parking Requirements (March 2011) with none proposed.

The existing KFC car park provides a total of 55 parking spaces which includes 2 disabled parking bays solely for the use of KFC. The proposed will reduce the number of spaces provided within the car park to 42 however, taking into consideration that the proposed has a total parking requirement of 19 spaces the reduction in spaces provided is not envisaged to have any adverse impact on highway or pedestrian safety.

Cycle Parking

Existing cycle parking takes the form of four Sheffield stands on the southwestern frontage of the KFC restaurant building which will be retained. The proposed unit will be provided with one Sheffield stand (equivalent to two spaces) for customer and staff use.

Highways Summary

The proposed will remove 7 spaces within the car park however, taking into consideration that the car parking provides in excess of the maximum requirement, that a parking survey has been undertaken by the applicant stating that the proposed car park has a minimum spare capacity of 13-15 spaces, that the majority of on-site customer parking is short-stay, parking restrictions on entrance to the private shared car park to prevent indiscriminate on-street parking, no reported issues regarding indiscriminate on-street parking, and the sustainable location on-balance, the proposed is considered acceptable.

Therefore, on the basis of the comments received from the Highways Officer, the application is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Flood Risk

The application site is confirmed to be within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk. However, the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding, with the site falling into Flood Zone 2 for Rivers. As confirmed in the letter from Welsh Government dated 15 December 2021, the FMfP represents better and more up-to-date information on areas at risk of flood risk than the DAM as it considered climate change information and provides the best available data on flood risk.

Section 6 of TAN 15 would only permit development in such locations if the development is considered to be justified in that location. The application is therefore required to be assessed against the justification tests set out in section 6.2. In this instance, the proposal would contribute to key employment objectives supported by the local authority with the development employing a number of members of staff (6.2ii). The application site is also evidently situated within an established retail area and concurs with the main objectives of Planning Policy Wales and meets the definition of previously developed land (6.2iii).

In respect of 6.2iv, the application is supported by a Flood Consequences Assessment (FCA) (dated 1st February 2024) which has been assessed by Natural Resources Wales (NRW). The comments received from NRW advise that the FCA demonstrates that the site remains flood free during 1%+ Climate Change (CC) fluvial event. This is compliant with A1.14 of TAN15. Similarly, the FCA demonstrates that the site remains

flood free during the 0.1% fluvial event which is compliant with A1.15 of TAN15. It is advised that overall, the FCA shows that the risks and consequences of flooding are manageable to an acceptable level. As such, no objection is raised in relation to flood risk.

As such, in light of the above considerations, the proposed development is considered to be justified in this location and with no objection being raised by NRW in this regard, the application is considered to be acceptable in terms of flood risk.

Drainage

The total construction area for this development is 160sqm which will require the developer to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The development will also be required to comply with Part H of the Building Regulations.

The Council's Flood Risk Management team have reviewed the sites surface water flood risk and conclude that the site does not fall within an area of surface water flood risk, however, there are areas of high, medium and low surface water flood risk downstream of the site which will need to be considered.

Details submitted with the application indicate that surface water will be disposed of via the main sewer, however, Welsh Water have conditioned against this connection to avoid hydraulic overload.

It is noted that the principal of a reduction of the discharge to the existing drainage network provides a betterment to the existing situation which would be acceptable from a surface water flood perspective, subject to asset operator approval for the connection. However, as Welsh Water are currently rejecting a connection to the public sewer, a standard drainage condition is recommended. Whilst the recommended condition is noted, the proposed development would be subject to a SUDS consenting regime and the recommended condition in this regard is therefore not necessary.

Contaminated Land

The application site was formerly occupied by Nantgarw Colliery & Coking Works and the Council's Public Health and Protection team consider that there is potential for contamination to exist on site. Whilst a Ground Investigations Report has been submitted to support the application, the Council's Pollution Control Officer advises that the information is insufficient to negate the need for standard site investigation conditions to be applied and, as such, the standard conditions have therefore been recommended.

Coal Mining Legacy

The application site marginally falls within the defined Development High Risk Area and the Coal Authority advises that a coal seam of potentially workable thickness is conjectured to outcrop close to the surface adjacent to the north-eastern edge of the application site, dipping in a north easterly direction beneath the existing restaurant building.

The south-western part of the application site where the new unit is likely to be constructed (as shown on the indicative site layout plan) lies outside of the High Risk Area. As such, the Coal Authority does not consider that a Coal Mining Risk Assessment is necessary to support the application and no objection is raised to the proposal.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is not considered that the proposed food and drink outlet would have a significant impact upon the character and appearance of the site or its surrounding area, nor would it cause harm to the amenity of the surrounding closest properties or to highway safety.

The application is therefore considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: Approve, subject to conditions

1.
 1. (a) Approval of the details of the appearance, layout and scale of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 - (c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. No development shall take place until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme, all aspects of which must be carried out by, or under the direction of, a suitably qualified competent person in accordance with BS10175, shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- (a) A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.

- (b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (a) above.

- (c) A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (2) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by, or under the direction of, a suitably qualified competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by, or under the direction of, a suitably qualified competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until details of a grease trap to prevent grease entering the public sewerage system have been submitted to and approved in writing by the Local Planning Authority. The trap shall be installed in accordance with the approved details prior to beneficial use and maintained in good order thereafter.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence until details of a kitchen extraction system, including equipment to control the emission of fumes and odour from the premises, have been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details prior to beneficial use and maintained in good order thereafter.

Reason: In the interests of public health and amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.