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| Agenda Item A8 | Committee Date 25 th July 2016 | Application Number 16/00697/FUL |
| Application Site McDonalds Restaurant Morecambe Road Morecambe Lancashire | | Proposal Erection of single storey extension to all elevations and reconfiguration of car park and drive-thru |
| Name of Applicant McDonald's Restaurants Ltd | | Name of Agent Mrs Sarah Carpenter |
| Decision Target Date 28 th July 2016 | | Reason For Delay None |
| Case Officer | Mr Andrew Clement | |
| Departure | No | |
| Summary of Recommendation | Approval subject to conditions | |

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the land is in the ownership of Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The application site is located to the south of the A589 Morecambe Road close to Lancaster and Morecambe College. The site currently lies on the edge of the major highway junction (currently under construction) to be known as part of The Bay Gateway. The grass verge fronting the site has been re-profiled, and the site access has been re-located from the centre of the frontage to northern end of the site, further from the new junction. The layout of the access and car parking area has been re-arranged as part of The Bay Gateway construction, with an increased outdoor dining area and reduced parking provision, from a total of 34 car parking spaces prior to the highway improvement to 25 spaces provided as existing.

1.2 The site lies close to residential properties at Stanhope Court, Hadrian Road and Morecambe Road. The closest properties to the site are located immediately across Morecambe Road, approximately 40 metres from the car park and 80 metres from the restaurant building. The playing fields to Morecambe Road School lie immediately to the south-west.

2.0 The Proposal

2.1 The application seeks planning permission to erect a single storey extension to all elevations, and to reconfigure the car park and drive-thru. The extensions will increase the floor area of the building from 255.8sqm to 331.8sqm, increasing the restaurant seating and queuing area by approximately 35.3sqm, with the remaining 40.7sqm extension to other areas of the restaurant. To facilitate the proposed extensions, the outdoor dining area will be reduced in size, the pedestrian crossing over the drive-thru and exit lanes will be located slightly further west, and one parking space is proposed to be removed.

- 2.2 The reconfiguration of the drive-thru will split the car lane into two, providing two ordering points for this takeaway use, and will accommodate additional cars in this drive-thru area. To facilitate the additional drive-thru ordering lane, the waste storage and collection point will be detached from the main building and relocated across the drive-thru lanes to the south east corner of the site, between the outer drive-thru lane and vehicle exit road.

3.0 Site History

- 3.1 The site has a long planning history dating back to 1995 with approval for the restaurant under 95/00994/FUL. The building has been previously extended through permission 97/00719/FUL, with the drive-thru and extended hours of operation approved a variation of condition 13/00333/VCN.

| Application Number | Proposal | Decision |
|---------------------------|--|------------------------------|
| 95/00994/FUL | Demolition of existing buildings and erection of drive-thru restaurant with associated parking, staff, storage and office accommodation | Permitted |
| 97/00719/FUL | Erection of a single storey extension to existing restaurant | Permitted |
| 13/00333/VCN | Demolition of existing buildings and erection of drive-thru restaurant with associated parking, staff, storage and office accommodation (pursuant to the variation of condition 4 on application 11/00087/VCN to extend restaurant opening hours to 5am - 12am daily) | Permitted |
| 16/00001/BRECON | Breach of condition of site management plan (as per condition 5 of 13/00333/VCN re delivery hours and litter picks, and condition 3 re deliveries) | Pending Consideration |
| 16/00468/FUL | Erection of single storey extension to all elevations, reconfiguration of car park and drive-thru | Withdrawn |
| 16/00698/ADV | Advertisement application for the relocation of one internally illuminated rotating single 3-sided unit, relocation of two and display of two new internally illuminated rotating double 3-sided units, two internally illuminated customer order display units, relocation of one internally illuminated welcome sign and display of a non-illuminated directional sign | Pending Consideration |
| 16/00699/ADV | Advertisement application for the display of one new internally illuminated fascia sign and the display of one and relocation of two internally illuminated individual letter signs | Pending Consideration |

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

| Consultee | Response |
|--------------------------------|---|
| County Highways | No objection – increased demand for the site is likely, but this has been compensated for via remodelling of the A589 and the junction with the A683. |
| Tree Protection Officer | No observations received within statutory timescales. No objection to an identical, recently-withdrawn application, subject to conditions regarding a scheme for tree/hedge protection, scheme of new planting and no trees to be removed. |
| Environmental Health | No observations received within statutory timescales. |
| Lancashire Constabulary | No objection , advise a condition for twice daily litter patrols by the restaurant, however an existing condition for the use require four daily litter patrols already. Similarly, a condition regarding external CCTV has been recommended, however the existing Site Management Plan details that 3 external camera are already in place. |

5.0 Neighbour Representations

5.1 4 pieces of correspondence have been received raising objections to the proposal, with the site notice period expired on 30th May 2016. 26 pieces of correspondence were received for an identical withdrawn application, raising similar objections. These raise the following concerns:

- Highway and traffic issues, including traffic issues at the new junction; insufficient parking; (employees and customers), and lack of HGV parking;
- Residential amenity issues, including noise from vehicles and delivery vehicles; noise from customers; noise and odour from extractors; relocation of waste storage and collection area closer to residents; and illumination from car lights and signage;
- Operational issues, including litter (not adhering to previous Site Management planning conditions); no additional staff proposed; and concern regarding possible future extended opening hours (*permission has not be sought for altering the hours of operation*);
- Additional signage detracting from residential area; and,
- Increase in the number of unhealthy fast food outlets in the area.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17. Core planning principles

Section 1. Building a strong, competitive economy

Section 7. Requiring Good Design

6.2 Development Management DPD

DM22: Vehicle Parking Provision

DM23: Transport Efficiency and Travel Plans

DM29: Protection of Trees, Hedgerows & Woodland

DM35: Key Design Principles

6.3 Lancaster District Core Strategy – saved policies

SC1 (Sustainable development)

SC5 (Good Design)

E1 (Environmental Capital)

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape Impact;
- Highways and Parking;
- Residential Amenity and Littering;
- Impact on Trees;
- Security and Risk of Crime;

7.2 Principle of the Development

7.2.1 The application relates to the existing McDonalds restaurant and takeaway located to the south of the A589 Morecambe Road close to Lancaster and Morecambe College. The application seeks planning permission for single storey extensions to all elevations, resulting in an increased building floorspace of 76sqm, in addition to the existing 255.8sqm. This will increase the restaurant seating and queuing area by approximately 35.3sqm, which will accommodate addition customers to the premises. The extensions will result in a reduction in outdoor dining space and the loss of one car parking space. The access and parking arrangements were recently reconfigured as part of the major highway improvement construction site associated with The Bay Gateway, with the access relocated to the west end of the site further from the new junction, and exit onto Hadrian Road. In

addition, the parking allocation was reduced from 34 spaces and two 'grill bays' to 25 spaces and two 'grill bays'.

7.2.2 The application includes a re-configuration of the existing drive-thru lane, which will split to provide an additional ordering point and accommodate more vehicles in this area of the site. To facilitate the extension to the drive-thru and exit lane, the pedestrian crossing over the drive-thru and exit lanes will be moved approximately 5 metres north west, and the waste storage and collection corral sited between the drive-thru outer lane and the vehicle exit lane in the south east corner of the site, near the existing location attached to the south east elevation of the main building.

7.2.3 Subject to the issues discussed later in this report, the principle of the development to extend the existing restaurant building and install an additional ordering drive-thru lane is acceptable.

7.3 Scale, Design and Landscape Impact

7.3.1 The proposed development will extend this building floorspace by 76sqm. This results in an increase to the length of the building by 4.1 metres and an increase of the building's width by 1.1 metre. The remaining extensions to the south-east and south-west elevations represent minor infilling and do not project beyond the existing building line. The ridge and eaves height of the existing roof will be unaffected by the proposal, with the proposed extensions corresponding with the height of the existing building. Therefore, the scale of the proposed extensions to the building are considered to be modest, and will appear inconspicuous in relation to the existing building.

7.3.2 The proposed materials match those of the existing building, namely brick walls, khaki coloured aluminium cladding and stall risers, glazing, and a tiled roof. The drive-thru booths will be clad in a dark grey colour, although this elevation faces directly onto 3-4 metre tall trees between the application site and the adjacent school, and will therefore be visually contained within the site. Due to the matching materials, the proposed extensions will assimilate with the existing building, resulting in a negligible visual impact.

7.3.3 The site of the proposed additional drive-thru lane split and ordering point is to the south of the main building, in the location of the existing corral waste storage and collection area. The removal of this open-top brick wall and concrete floor corral, to be replaced with an additional asphalt vehicle lane and block paving, raises no visual or landscape concerns. This element of the proposal will result in the removal of the existing built form, and the new drive-thru provision will be viewed in the context of the adjacent new major road junction and existing on site vehicle lanes and parking spaces.

7.3.4 The waste storage and collection corral will be detached from the main building, relocated to the south east corner of the site, between the outer drive-thru lane and the exit road. Although detachment from the main building, the proposed location is visually contained by the main restaurant building and adjacent trees. The open-top corral structure will measure a maximum of 2.4 metres tall, with the lower 0.75 metre constructed in bricks and the upper 1.65 metres khaki-painted timber fencing, both to match the brickwork and khaki coloured cladding of the main building. The position of the corral within the site is below the neighbouring road level, which reduces the visual impact of the proposal from the perspective of the public area. Due to the visual context of the corral, matching colour to the main building, and the predominantly khaki green colour in close proximity to trees, the visual impact of the proposed corral is considered acceptable.

7.3.5 The extension to the building and additional drive-thru lane split and ordering point have been applied for concurrently with advertisement applications for additional signage and lengthening of the existing vehicle height restrictor. The proposed advertisements and vehicle height restrictor will be assessed through these concurrent advertisement applications.

7.3.6 Therefore, the application is considered to have an acceptable landscape and visual impact, due to the modest size, matching materials, existing landscaping, topography and location of the proposed developments. The proposal is consistent with policy DM35 and NPPF Section 7.

7.4 Highways and Parking

7.4.1 One of the concerns raised from the neighbour consultation relates to the access arrangements and capacity of the carpark and drive-thru areas, particularly in relation to the new road junction and loss of parking provision. County Highways returned no highway objection to the application, as the

remodelling of the A589 (Morecambe Road) and its junction with the A683 (Lancaster/Morecambe Bypass) has compensated for the pedestrian and vehicle movements to and from the application site, with the increased distance between signalised junction stop lines and the site points of access reducing the likelihood of vehicular congestion on that particular area of the network. Although the proposal is likely to attract additional trips to the site by a range of transport methods, consideration should be given as to whether the proposed development will exacerbate any traffic concerns at the site to an extent to cause a severe highway impact.

- 7.4.2 The application site access, egress and parking arrangements were altered as part of The Bay Gateway junction intersecting with Morecambe Road. The access to the site was moved further from this junction to the north-west corner of the application site, and exit links to Hadrian Road, with a left only turn joining The Bay Gateway to the south of the junction with Morecambe Road. This new access has extended the length of vehicular route within the site, and now cars that would previously have queued on the highway can be accommodated within the application site. However, to facilitate these alterations, the car parking provision was reduced from 34 parking spaces to 25 (both excluding two 'grill bays'). The existing access and egress provided through the new junction are adequate for the safe operation of the highway, and once the junction is fully operational, access to the site should operate satisfactorily. However, the increased public floor space of the building will increase demand on parking, whilst the proposal also involves a reduction in parking provision of one further vehicle space. Unless adequate parking is provided, there may be consequential highway and parking issues.
- 7.4.3 The proposed development will reduce the carpark capacity by one car parking space, down to 24 car parking spaces, including two disabled spaces, but excluding two motorcycle spaces, and also excluding two 'grill bays', which are considered to facilitate the drive-thru and takeaway function of the site rather than the parking and restaurant element. In the Design and Access Statement, the applicant concluded that the site had 'ample parking', and supplementary information from a highway consultant, which concluded that the proposed changes will result in better operation of the store due to the larger kitchen and additional drive-thru ordering point.
- 7.4.4 To test these assertions, planners have assessed the maximum car parking standards for a restaurant use (which are measured from the internal public floor space of the property, which is the internal restaurant dining and queuing area of the restaurant). Of the total 76sqm floorspace increase, approximately 35.3sqm of this increase is for public floor space, with a proposed total public floor space of approximately 112.965sqm. For a restaurant use outside of the city, town or neighbourhood centre, a maximum of 1 car parking space should be provided per 5sqm of public floor space. Therefore, the maximum vehicle parking provision for the restaurant use of the site as proposed is rounded up to 23 car parking space, one below the proposed provision. Consequently, under the proposed arrangements, the vehicle parking provision is considered sufficient for the additional public floor space proposed.
- 7.4.5 In addition to the proposed parking provision, the applicant's plans indicate that the additional drive-thru split and ordering point will accommodate additional cars in this area. The split drive-thru ordering point can accommodate three additional cars in the drive-thru queue, with a further domestic vehicle able to join the back of this queue due to the location of the removed parking space and relocation of the pedestrian crossing, lengthening the drive-thru lane by 4.5 metres. Once past the drive-thru collection point, vehicles must travel approximately 135 metres further within the application site before exiting onto the public highway, and therefore it is likely that any queuing or stagnation of vehicles will be retained within the application site, rather than extending onto the public highway. Furthermore, the distance from the entrance to the site to the start of the drive-thru lane queue has already increased, from approximately 32 metres prior to the alterations for the new junction, to approximately 68 metres as existing and proposed for the new Bay Gateway junction. The retention of the two 'grill bays' for the drive-thru use will help prevent orders requiring long preparation and cooking times from restricting the flow of vehicles through the drive-thru, as these can be parked off this vehicle lane.
- 7.4.6 Therefore, subject to a condition to restrict the public floor space area of the building to a maximum of 120sqm and retention of the parking proposed, to ensure parking provision continues to achieve the maximum parking provision stipulated in Appendix B of the Development Management DPD, the parking provision is considered sufficient. This parking provision and the greater capacity of the drive-thru are both compatible with policies DM22 and DM23.

7.5 Residential Amenity and Littering

- 7.5.1 The other most prevalent concern raised through consultation regarded the impact of the existing operation and proposed development on the residential amenity of the area. The application site is in close proximity to properties on Morecambe Road, Stanhope Court and Hadrian Road, although the closest proposed development is over 80 metres from any residential dwellinghouse.
- 7.5.2 The specific concerns regarding the impact on residential amenity were regarding noise, odour and light pollution the car park, extraction system, waste management, signage and hours of operation and deliveries. Although the increase of floorspace is likely to facilitate additional customer and vehicle traffic, this is not considered to be notably detrimental by itself, due to the existing impact of the heavily trafficked Morecambe Road, and the proximity of the application site to the new major highway junction. There are no changes proposed to the extraction system, delivery hours or hours of operation. The proposed signage and vehicle height restrictor will be assessed through the concurrent advertisement applications.
- 7.5.3 The most prevalent concern raised from the public regarding this application was regarding litter. Given the number of responses, this presents significant anecdotal information that litter is an issue with the existing operation of the site, and given the proposal will facilitate additional customers to the site, this concern may be exacerbated through the proposal. Through condition 5 of the approved variation of condition application 13/00333/VCN to extend the operating hours of the business, the site should operate in accordance with the Site Management Plan received on 7th May 2013, which stipulates that three patrols each day at 6am, 2pm and 6pm for litter picking along Morecambe Road, The Way and Hadrian Road shall take place. This condition also stipulates that a further litter patrol/pick should be undertaken at 10am daily, totalling four litter patrol/picks per day. Despite the increased public floor space and drive-thru capacity, the existing requirement for litter picks four times a day and the provision of 6 external bins within the application site is considered sufficient.
- 7.5.4 Officers have witnessed the litter patrol taking place whilst visiting the site during the consideration of this planning application. However Members will recall the advice provided at the last Planning Committee, for a different drive-thru proposal, which stated that the issue of litter is covered by the Environmental Protection Act 1990, Sections 89(1), 89(2), and 86(9). Matters which are covered by separate legislation outside of planning, should not be controlled by conditions attached to planning permissions. Whilst in this case the planning condition is historic, and remains in force, it is unlikely that it would meet the tests of reasonableness and necessity set down in the National Planning Practice Guidance.

7.6 Impact on Trees

- 7.6.1 No trees are proposed to be removed from the site, however there are a number of existing conifer trees along the south-westerly boundary of the site, forming a screen between the application site and the adjacent school. Although no formal consultation response has been received from the Tree Protection Officer, this has been verbally discussed and agreed to apply the response for the previous withdrawn application. In this response, the Tree Protection Officer recommended conditions for no trees to be removed from the site, a scheme for new planting, a scheme for tree/hedge protection and an Arboricultural Method Statement. Subject to the inclusion of conditions to control these concern, the proposal is considered to have no detrimental impact upon trees, and is consistent with policy DM29.

7.7 Security and Risk of Crime

- 7.7.1 Through the Site Management Plan received on 7th May 2013 for approved variation of condition 13/00333/VCN, the application site operates a digital CCTV system, including three external cameras and vehicle barriers to the access and egress of the site. Further information has been submitted to demonstrate that the current arrangement has a total of six external and externally facing CCTV cameras. This provision, in addition to other security measures in the Site Management Plan, are considered sufficient for the increased building and drive-thru area of the site. It is considered that the proposed development will not exacerbate any security or crime concerns in relation to the existing operation of the site, and the recommendations of the Lancashire Constabulary consultation response are already met by the existing provision and Site Management Plan.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 In conclusion, it is considered that the proposal will have no detrimental visual impact upon the landscape, does not exacerbate the risk of crime or security requirements, and through conditions to protect trees will no detrimental impact on trees. The development will provide additional public floor space and drive-thru area to accommodate more customers, which will be likely to intensify the use of the site. However, considering the change in appearance of the wider area following the major new junction linking Morecambe Road to The Bay Gateway, with additional lanes and traffic lights, the proposed development will have an acceptable impact on residential amenity. Through the new junction development, the recently altered access, egress and parking arrangements are satisfactory for the operation of the site. County Highways concluded that the proposal can be accommodated following a review of carriageway centre line and ghost island markings. The proposal provides sufficient car parking provision, and therefore the application is recommended for approval.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Arboricultural Method Statement
4. Scheme for tree/hedge protection
5. Scheme for new trees on site
6. No trees to be removed
7. Maximum public floor space 120sqm and retention of carpark provision

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None