

<b>Agenda Item</b>	A8
<b>Application Number</b>	25/00316/FUL
<b>Proposal</b>	Erection of single storey extensions, external alterations including replacement doors and glazing, installation of plant and equipment, demolition of existing bin store, creation of bin store corral area, erection of fencing, changes to car parking layout, landscaping, and associated works
<b>Application site</b>	Former Frankie And Benny's Hilmore Way Morecambe Lancashire
<b>Applicant</b>	McDonald's Restaurants Ltd
<b>Agent</b>	Mr Henry Mackenzie
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, as the landowner is Lancaster City Council, the application must be determined by the Planning Regulatory Committee. The Applicant has submitted five separate applications for this site, comprising two planning applications for alternative external alteration/extensions options, two advertisement consent applications for the related building signage options, and a standalone advertisement consent application for a totem sign.

**1.0 Application Site and Setting**

- 1.1 The site to which this application relates is the former Frankie & Benny's building off Central Drive, Morecambe. The building was originally constructed in the mid-1990s as a drive through Burger King takeaway, until Frankie & Benny's took over the site in 2008, removing the drive through and extending into the former drive through lanes. Frankie and Benny's vacated the site in 2020, and it has remained disused since then. The building is located on the corner of Hilmore Way and Central Drive, and shares an access point on Hilmore Way and car park with a gym and pizza takeaway who co-habit the former Blockbuster video shop. Hilmore Way also leads to Morrisons, Morrisons Petrol Station, B&M, Homebase and Next and their associated car parks, coach parking, and service areas.
- 1.2 The site is located within the Morecambe Area Action Plan (MAAP) and a Regeneration Priority Area. The cycle path to the west and south forms part of National Cycle Routes 69, 700, and the Way of the Roses, and is also designated as an existing cycle route under Policy T2.

## 2.0 Proposal

- 2.1 This application seeks planning permission for erection of extensions, external alterations to the existing building including replacement doors and glazing, installation of plant and equipment, demolition of existing bin store, creation of bin store corral area, erection of fencing, changes to car parking layout, landscaping, and associated works. The proposed bin store corral area comprises an external yard space and is to be created by part-demolishing and extending the existing flat-roofed side extension. The proposed landscaping works include outdoor seating areas, footways and new planting. Proposed materials include matching brickwork and timber effect cladding, with grey fascias and jet black frames to the shopfront. The Applicant refers to this scheme as Option 2.
- 2.2 The building has extant consent for use as a restaurant with opening hours controlled by the 1995 consent, and as such a change of use and revised opening hours do not form part of this assessment.

## 3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
95/00530/FUL	Erection of a drive through takeaway restaurant and video shop	Approved
08/00836/FUL	Alterations and extensions to existing Burger King restaurant to form Frankie & Benny's restaurant with ancillary bar	Approved
22/01452/FUL	Change of use of existing restaurant (Class E) to mixed use unit comprising of restaurant and drive thru takeaway (sui generis), demolition of existing single storey extensions to side and rear, installation of external cladding and panelling and 2 new windows to the side, reconfiguration of car park to create drive-thru lane and associated landscaping	Withdrawn
23/00502/FUL	Change of use of existing restaurant (Class E) to mixed use unit comprising of restaurant and drive thru takeaway (sui generis), demolition of existing single storey extensions to side and rear, installation of external cladding and panelling and 2 new windows to the side, reconfiguration of car park to create drive-thru lane and associated landscaping	Approved

## 4.0 Consultation Responses

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

Consultee	Response
Town Council	No response received.
County Highways	<b>No objection.</b> Provision should be made for electric vehicle charging points. Developer should be aware of potential future works to cycle way. Conditions recommended for car parking and construction delivery timings.
Environmental Health	No response received.
Natural England	No response received.
Lancashire Constabulary	No response received.
Public Realm	No response received.
Property Services	No response received.
Regeneration Team	<b>Comments.</b> Potential for transport issues and details of cycle way plans.
United Utilities	<b>Comments.</b> Advice provided and requests detailed drainage plan.

- 4.2 At the time of writing this report, 19 letters of **objection** have been received from members of the public, raising the following main issues:
- Public health
  - Traffic
  - Existing outlets and impact on local businesses
  - Litter and anti-social behaviour
  - More wide-ranging environmental, ethical and geopolitical concerns

## 5.0 Analysis

- 5.1 The key considerations in the assessment of this application are:

- Design and Sustainability
- Highways
- Biodiversity
- Residential Amenity

- 5.2 Design and Sustainability (NPPF Chapter 12 (Achieving well-designed places); Policies DM21 (Advertisements and Shopfronts), DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), CC1 (Responding to Climate Change and Creating Environmental Sustainability), MAAP AS2 (Improve the Condition of Buildings and Encourage Beneficial Occupancy) and MAAP AS9 (Edge of Centre Retail Park))

- 5.2.1 The existing building is in a poor condition. The proposed extensions and external alterations including removal of the existing detached bin compound would result in an improved visual amenity, and are appropriate given the setting of the wider commercial area. The submitted Planning Statement indicates that Green Building Guidelines will be followed, implementing measures to reduce demand for water and energy. Given the scale and nature of the proposal, a more detailed Sustainable Design Statement is not required. On balance the proposed design and appearance of the building is acceptable.

- 5.3 Highways (NPPF Chapter 9 (Promoting Sustainable Transport); Policies DM29 (Key Design Principles), DM60 (Enhancing Accessibility and Transport Linkages Policy), DM61 (Prioritising Walking and Cycling), DM62 (Vehicle Parking Provision and Electric Vehicle Charging Points), T2 (Developing the Cycling and Walking Network) and MAAP AS3 (Improve Key Routes and Spaces for Pedestrians and Cyclists))

- 5.3.1 Bringing this site back into use will increase the volume of pedestrian, cycle and motor vehicle traffic using the road, footway and greenway when compared to the current vacant situation, although the site is already established for restaurant use with existing access and parking. A small number of parking spaces will be under the control of the Applicant, including accessible spaces, at the restaurant entrance. Customers will also have access to the City Council-operated Hilmore Way car park, which has recently changed its tariffs to allow 60 minutes free parking. In order to reduce carbon emissions and promote shift towards electric vehicles (EVs), amended plans are being prepared to include two EV spaces in line with the Council's Planning Advice Note on EV charging. Delivery vehicles will be able to service the building using the car park. Overall, the amended proposal is acceptable in terms of motor vehicle parking and servicing arrangements.

- 5.3.2 There are proposals by Lancashire County Council and Sustrans to upgrade cycle routes in the local area, including widening the pavements on Central Drive, which will address increased use of the cycle way and improve highway safety. The land required to widen the pavements and deliver the Sustrans plans overlaps with the redline boundary of the application site. The original plans included limited above-ground infrastructure and Biodiversity Net Gain enhancements within the overlap area. At the time of writing this report, amended plans are being prepared by the Applicant to ensure that there is no built infrastructure within the land required for the cycleway upgrades. Subject to amended plans safeguarding the required land from built development, the proposal would not hamper any planned future upgrades to the cycle network.

- 5.3.3 Following feedback from the City Council and County Transport Planning Team, designated pedestrian routes from Hilmore Way/Morrisons and the Central Drive bus stops into the application

site are to be provided, to ensure good pedestrian connectivity and promotion of linked trips. Cycle parking is being increased to meet Local Plan requirements and in light of the site being located adjacent to a strategic cycle network. Overall, the amended proposal is acceptable in terms of promoting sustainable transport methods and highway safety.

5.4 Biodiversity (NPPF Chapter 15 (Conserving and enhancing the natural environment); Policy DM44 (The Protection and Enhancement of Biodiversity))

5.4.1 The submitted bat survey concludes that the building has low potential for bats, and bats are likely absent from the building with no further survey effort or supervision required. The development will be subject to the mandatory biodiversity net gain (BNG) condition, and initial plans indicate new tree, hedgerow and coastal herbaceous planting as part of the soft landscaping scheme. Final landscaping and BNG plans can be secured through planning conditions, ensuring that the BNG enhancements are accommodated outside of the area required for the cycleway improvements. Overall, the proposal is acceptable in terms of biodiversity.

5.5 Residential Amenity (NPPF Chapters 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment); Policy DM29 (Key Design Principles))

5.5.1 In terms of noise, odour and light pollution, the nearest residential property on Aldingham Walk is approx. 30m from the application site, and is separated from it by the access road and a railway siding. An acoustic report has been submitted which indicates that the predicted noise from the proposed plant installations will fall below the current background noise levels at the nearest sensitive receptors, and as such is unlikely to have any adverse impact with no further mitigation required.

5.5.2 An odour impact assessment has also been submitted and concludes that the impact risk of odour is high and odour control is required. Subject to the proposed extraction control measures being implemented, a high level of odour control will be achieved in accordance with the relevant guidance.

5.5.3 The area is already well lit, and any new external lighting is unlikely to result in a nuisance to the nearest residential properties. Overall, the scheme is acceptable in terms of residential amenity

**6.0 Conclusion and Planning Balance**

6.1 The application site has been empty and deteriorating for some time, and the proposal would see the unit re-used, bringing it back into an active economic generating use and improving the visual condition of the building. The amended scheme is also acceptable in terms of highways, pedestrian connectivity, noise, odour, and biodiversity. Therefore the proposal is compliant with the relevant local and national policies, and is recommended for approval.

**Recommendation**

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

Condition no.	Description	Type
1	Standard Timescale	Control
2	Amended Plans and Details	Control
3	Landscaping Scheme	Control
4	Pedestrian Access, Cycle Parking and EV Charging	Prior to First Use
5	Car Park Layout	Prior to First Use
6	Odour Control	Prior to First Use

**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.

### **Background Papers**

None