2 Development Management - Delegated Officer Report

Application Number: AWDM/1026/17 **Recommendation – Approve**

Site: **McDonalds, Eastern Avenue**

Proposal: **Refurbishment and extensions to building in addition to replacement shopfront and drive-thru booths with associated works and erection of bin store to north of building**

Date of site visit: N/A

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a single storey restaurant building located at the southern end of Eastern Avenue between Brighton Road to the south and the railway line to the north in a predominantly commercial and industrial area. However, to the north side of the railway there are flats and houses in Dolphin Road and Eastern Avenue.

The proposal is for refurbishment of the exterior and extensions to the existing building (front and side to extend the restaurant, and at the rear to stockroom and corridor), totalling 37.7 square metres as well as a new waste metal corral to the north boundary. The dining area will increase from 83 square metres to 104 square metres (the existing covers are proposed to increase from 68 to 86).

Consultations

West Sussex County Council Highways: The proposed development will not have a material impact upon the operation of the local highway. No objection is raised.

Adur & Worthing Councils Pollution Protection team: No adverse EH comments on the above application. Impose full contaminated land condition.

Representations
None

Relevant Planning History

AWDM/0469/14
Reconfiguration of order point and construction of new island to allow side by side ordering, drive through and parking
Approved Conditionally 28.05.2014

AWDM/0104/14
Removal of condition 2 of AWDM/0347/13 to allow restaurant to operate 24 hours a day 7 days a week
Approved Conditionally 05.03.2014

Relevant Planning Policies
National Planning Policy Framework (NPPF)
Saved Adur District Local Plan: AG1, AS2, AS3, AS4
Emerging Adur District Local Plan: 15, 28, 29, 35

Planning Assessment

Principle

The premises are located outside of Shoreham town centre (as defined in the emerging local plan). The Council's assessment of conformity with national policy (para 24 of the NPPF) confirms the saved local plan policies are dated and lack reference to the sequential approach.

Emerging local plan policy 28 stipulates new development of the size proposed for town centres uses (includes A3 restaurant/café) will be assessed in accordance with the NPPF and its sequential test. Given the integrated format and modest scale of the extensions and the edge of centre location of the site which is well connected to the town centre, it is believed the proposed enlargement of the premises satisfies the sequential approach set out in the NPPF.

Likewise, the premises upgrading is acceptable in principle.

Visual amenity

The extensions to the existing building are in scale and integrated with its existing character and appearance. The exterior refurbishment and upgrading of the parking on the site is sympathetic to the existing commercial appearance of the site.

The new waste corral (displaced by one of the extensions) will be relocated well inside the site, and screened by hedging. An existing customer bin will be relocated in an equally accessible location.

Neighbours amenity

Neighbours, including other commercial businesses, are sufficiently distant so as to avoid harm to their living conditions.

Parking and accessibility

Vehicular access will be unchanged.

The highway authority is satisfied the traffic movements generated by the use would not present highway capacity or safety concerns. The Local Planning Authority concurs. The cycle stand displaced by one of the extensions will be relocated on the site in an equally accessible location.

Contamination

According to Council records the site is identified as potentially contaminated from a historic use as a builder's yard. Notwithstanding that it is highly likely that any contaminates, if discovered, would have been dealt with during the redevelopment of the site in the 1990s in building the current premises, the Council's Environmental Health officer is seeking to impose the full pre-cautionary contamination methodology condition.

Given the uncertainly and potential for legacy contaminates, it is prudent to impose the requested condition. The planning agent has agreed to this.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit
3. Pre-commencement full contaminated land methodology

   Reason: *In the interest of amenity having regard to saved policy AG1 of the Adur District Local Plan.*

4. The northern part of the car park (west of the restaurant building) shall be cordoned off at 12 midnight daily to prevent access by cars to that parking area during the additional late night trading hours hereby permitted.

   Reason: *In the interest of amenity having regard to saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

5. The car parking and access and turning facilities shall not be used for any purpose other than parking of vehicles, access and turning, respectively, incidental to the use of the premises.

   Reason: *To ensure that adequate parking, access and turning facilities are retailed and in the interests of highway safety having regard to national policy set out in the National Planning Policy Framework and emerging policy 29 of the Adur District Local Plan.*

6. Prior to occupation of the extensions the relocated cycle rack shall be provided in accordance with the approved plans

   Reason: *To ensure that adequate facilities are retailed to provide an alternative to the private motor car having regard to national policy set out in the National Planning Policy Framework and emerging policy 29 of the Adur District Local Plan.*

7. Prior to occupation of the extensions the relocated customer bin shall be provided in accordance with the approved plans

   Reason: *In the interest of visual amenity and the environment having regard to saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

8. Prior to occupation of the extensions the Mobilane Green Screens to the cage corral and relocated customer bin and shrub plant border shall be planted

   Reason: *In the interest of visual amenity having regard to saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

9. The approved means of ventilation for the extraction, filtration and disposal of cooking odours (including sound attenuation measures) submitted in pursuance of condition 14 of planning permission SU/269/01, shall be retained in effective working order and operated at all times when cooking is taking place unless agreed otherwise in accordance with details submitted to and agreed in writing by the local planning authority.

   Reason: *In the interests of amenity having regard to saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

10. The sound level attributable to all equipment installed on the premises (corrected in accordance with BS4142) shall not exceed the background noise level as measured at the nearest dwelling

    Reason: *In the interests of amenity having regard to saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

11. The approved 2.4m by 70m visibility splay on the north side of the existing access at its junction with Eastern Avenue, detailed in pursuance of condition 18 of planning permission SU/269/01, shall be kept free from any obstruction over 0.6 metres above the level of the carriageway of the highway.

    Reason: *In the interests of highway safety having regard to national policy set out in the National Planning Policy Framework and emerging policy 29 of the Adur District Local Plan.*

12. The approved scheme for collection and disposal of litter submitted in pursuance of condition 19 of planning permission SU/269/01 shall be operated in accordance with the approved details.

    Reason: *In the interests of amenity having regard to saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or

without modification), the building shall not be extended or altered externally or any incidental building erected on the site.

Reason*: In the interests of amenity and the environment and to comply with saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

14. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), except as approved under this permission no external plant or machinery shall be installed, erected or replaced on the application site.

Reason: *In the interests of amenity and the environment and to comply with saved policy AG1 and emerging policy 15 of the Adur District Local Plan.*

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

Case Officer:	Matthew Porter	Date: 30-08-17
Authorised by:	Peter Barnett	Date: 30 August 2017