

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 12/01045/VAR

**Ward:**  
Cray Valley West

**Address :** The Broomwood Sevenoaks Way  
Orpington BR5 3AE

**OS Grid Ref:** E: 547050 N: 169139

**Applicant :** McDonalds Restaurant Ltd

**Objections :** YES

**Description of Development:**

Change of use from public house (Class A4) to restaurant with takeaway and drive through facility (Class A3/A5) Single storey extensions, elevational alterations, disabled ramp, ventilation ducting, formation of vehicular access to Broomwood Road and associated car parking and landscaping (Revisions to permission ref 10/02456 granted on appeal to allow changes to the car parking layout and drive through lane, including a reduction in the number of spaces from 29 to 28, and extension of the acoustic fencing)

Key designations:

Areas of Archaeological Significance  
Stat Routes

**Proposal**

It is proposed to amend the alignment of the drive-through lane of this McDonalds restaurant in order to give a larger radius, in addition to moving the "grill bays" so that they are located closer to the end of the drive-through lane. The 2.5m high acoustic fencing would also be extended further along the boundary with No.112 Sevenoaks Way as part of the proposals.

The 2 disabled spaces at the front of the site are proposed to be relocated closer to the store entrance, for ease of access, while the amendments would also result in an overall reduction in the number of parking spaces on the site from 29 to 28.

The amendments to the parking layout would necessitate the relocation of 4 internally illuminated signs within the drive through/parking area (which have been submitted for approval under ref.12/01117 elsewhere on this agenda).

**Location**

These premises occupy a corner plot at the junction of Broomwood Road and Sevenoaks Way, and are in use as a McDonalds restaurant with drive through facility, accessed from Broomwood Road.

The site is bounded to the south and west by residential properties, and faces dwellings to the north in Broomwood Road. The building fronts onto Sevenoaks Way, which is classified as a Strategic Route as part of the Strategic Road Network.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received from nearby residents regarding possible intrusion from any additional light disturbance, and the hours of operation.

### **Comments from Consultees**

The Council's highway engineer initially raised some concerns about the usage of the 2 spaces adjacent to No.1 Broomwood Road which are more difficult to manoeuvre from, and the loss of a parking bay which would reduce the spare capacity of the site to be able to cope with a spike in demand. However, in view of the Inspector's previous comments about the adequate provision and manoeuvrability of parking spaces on the site, it is unlikely that the Inspector would have come to a different view should 28 rather than 29 spaces have been proposed. Consequently, no highways objections are raised to the proposals.

No objections are raised to the amendments from an Environmental Health point of view.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

T3 Parking

The application was called in by a Ward Councillor.

### **Planning History**

Permission was granted on appeal in October 2011 to use this Public House as a restaurant with takeaway and drive-through facilities, which included the demolition of some outbuildings at the rear, and the erection of flat-roofed single storey rear extensions and a front entrance ramp. The car parking on the site was to be rearranged to accommodate the drive-through facility, which included reducing the total number of car parking spaces on the site from 37 to 29.

### **Conclusions**

The main issues in this case are the impact of the proposed amendments to the parking and drive-through layout on the amenities of nearby residents, and on highway safety.

In granting the earlier appeal, the Inspector stated in paragraph 22:

“The proposed restaurant would have a total of 29 car parking spaces which is in line with the Council’s parking standards set out in the UDP. The appellant’s revised assessment of the predicted parking demand during the busiest hours shows that the demand on Friday would be 23 vehicles, and 16 vehicles on Saturday. I am thus satisfied that vehicle parking can be accommodated on site. There are no parking restrictions in Broomwood Road in the vicinity of the site, and for the above reasons, I do not consider that any overspill parking would be likely to cause any significant problems.”

As the predicted parking demand for the busiest hours would be 23 vehicles, the provision of 28 rather than 29 spaces would still adequately accommodate parking associated with the site, and given the Inspector’s view that any overspill parking in Broomwood is unlikely to cause any major problems, the proposed amendments are considered acceptable.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01447, 10/02456, 11/03414, 11/03417, 11/03426, 12/01045 and 12/01117, excluding exempt information.

## **RECOMMENDATION: APPROVAL**

subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: H7127-76 Rev A, H7127/04 Rev A, H7127/05, H7127/06 Rev A, ADC/S/001 Rev B, ADC/S002 Rev C, ADC/S003 Rev C and ADC/S/S004 Rev B.  
ACK02R K02 reason (1 insert) BE1
- 2 Development shall be carried out in accordance with the Service and Delivery Plan and the Travel Plan approved under ref.10/02456.  
ACH30R Reason H30
- 3 Development shall be carried out in accordance with the details of the external staircase approved under ref.10/02456.

**Reason:** In the interests of fire safety.

- 4 The landscaping scheme approved under ref.10/02456 shall be implemented in the first planting season following the occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 5 Development shall be carried out in accordance with the details of the boundary treatments approved under ref.10/02456, and retained thereafter.  
ACA08R Reason A08
- 6 The parking spaces and turning areas hereby permitted shall not be used for any purpose other than the parking and turning of vehicles.  
ACH08R Reason H08
- 7 The storage of refuse and recyclable materials (including any means of enclosure) approved under ref.10/02456 shall be permanently retained and kept available for the authorised use.  
ACH19R Reason H19
- 8 The bicycle parking approved under ref.10/02456 shall be permanently retained and kept available for the authorised use.  
ACH22R Reason H22
- 9 The new vehicular access to the site approved under ref.10/02456 shall be permanently retained.  
ACH24R Reason H24
- 10 The scheme for the installation of equipment to control the emission of fumes and smell from the premises (including the noise characteristics of the equipment) approved under ref.10/02456 shall be operated and maintained in accordance with the manufacturer's instructions.  
ACJ11R J11 reason
- 11 The use hereby permitted shall not be open to customers outside the following times: 06.00 hours to 23.00 hours on any day.  
ACJ06R J06 reason (1 insert) BE1
- 12 The details of measures to minimise the risk of crime (including lighting and CCTV) approved under ref.10/02456, shall be permanently retained.  
ACK21R Reason K21
- 13 The details of the acoustic barriers on the flat roof around the mechanical plant and behind the customer order point for the drive-through approved under ref.10/02456, shall be permanently retained.  
ACJ11R J11 reason
- 14 Means of vehicular access to the site shall be from Broomwood Road only. The gated access from the slip road to the south of the site, as shown on Drawing No.H7127-76 Rev A, shall be used in emergencies only.  
ACH01R Reason H01

15 Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policy of the Unitary Development Plan:

T3 Parking

The development is considered to be satisfactory in relation to the following:

- (a) the impact on the amenities of the occupiers of nearby residential properties
- (b) the impact on car parking provision and road safety

and having regard to all other matters raised, including neighbours concerns.

## INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

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