

SECTION '2' – Applications meriting special consideration

Application No : 13/02237/FULL1

Ward:
**Bromley Common And
Keston**

Address : McDonalds 113 Hastings Road Bromley
BR2 8NH

OS Grid Ref: E: 542414 N: 166027

Applicant : McDonalds Restaurant Ltd

Objections : YES

Description of Development:

Alterations to the site layout with the inclusion of a drive-thru lane. Refurbishment of the existing building including two drive thrus booths on the southern elevation. Replacement boundary fencing.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Open Space Deficiency
Stat Routes

Proposal

This application proposes alterations to the existing restaurant building, alterations to the carpark layout, replacement boundary fencing and the installation of a 'drive thru' lane. The alterations include new shop front panels, two drive thru windows to the south flank, a small single storey extension and customer order display (COD) units to the proposed drive thru lane. New soft and hard landscaping is proposed with the introduction of a patio area to the front.

New signage relating to the drive-thru is also proposed and is the subject of application ref. 13/02273.

Location

The site is located to the east side of Hastings Road (A21), which forms part of the Transport for London Road Network (TLRN). It hosts a detached building which was historically a public house and is currently occupied by a McDonalds

restaurant/take-away. The immediate vicinity is mixed commercial/residential; sited directly to the north is a bus depot and to the south, west and east residential.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- amount of noise generated will be unbearable
- idling cars will further sacrifice air quality
- increased litter
- further devalue property
- dangerous - busy road increased traffic and queuing will increase road hazard
- reduced parking - even with current parking a vehicle has crashed through the boundary fence
- reduced parking - local concerns that this will increase parking on nearby roads
- unsatisfactory circulation within the car park
- safety issues re the position of the disabled parking space
- query single space for parent/child parking
- concerns with Goods Delivery - request for a delivery tracking diagram
- overall detrimental impact on health and safety of nearby occupiers

Comments from Consultees

Transport for London (TfL) were consulted as the site is located on the A21 which forms part of the Transport for London Road Network (TLRN), for which TfL are the highway authority. They are concerned about any proposal which may affect the performance and/or safety of the TLRN. Subject to existing on-street restrictions, relevant parking and cycle space provision and clarification on management measures to be adopted to ensure queuing does not take place on Hastings Road should the restaurant experience exceptional demand, no objections are raised to the proposal. In the event of a planning permission appropriate conditions can be imposed. Any additional comments will be reported verbally to Committee.

Highways comments note that there are no proposals to alter existing access arrangements.

The creation of the drive thru lane would reduce the total number of car parking spaces from 53 customer spaces to 27 customer spaces, including one space for disabled customers, one parent and child space and two grill spaces for drive thru customers. The existing parking space within the McDonald's car park for the resident of adjacent property 121 Hastings Road would be retained.

An assessment of the capacity of the site access has been undertaken for both the existing and proposed situations in opening year 2014, for both the Friday and Saturday peak periods. The results demonstrate that the maximum Reserve Flow Capacity (RFC) would be 0.43 at the site access during both the Friday and

Saturday peak periods, which is below the recommended 0.85 RFC value which indicates that there is adequate capacity in the existing access arrangements to accommodate the proposed additional traffic.

The proposal for 27 spaces accords with the LB Bromley's parking standard of 29 spaces. The maximum parking demand recorded at McDonald's Broomwood was 24 spaces, therefore, the level of parking proposed is considered acceptable to serve the proposal.

The drive thru lane can accommodate 14 vehicles. The side by side ordering facilities operate simultaneously allowing customer orders to be processed quicker than a traditional single drive thru lane. The proposed drive thru facility is considered to be sufficient to accommodate the expected level of demand.

On the basis of these considerations no Highway objection is raised to the proposal.

Concerns are raised from an Environmental Health (EHO) point of view in respect of noise, in particular from the intercoms and the volume from car stereos, and it is considered that the proposal could cause serious loss of amenity. Given the intercoms are within the control of McDonalds staff this element of noise could be reduced if managed properly. It is the case that noise from car stereos is outside of McDonalds staff control. Conditions are suggested in the event of a planning permission.

Planning Considerations

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

T3 Parking
T18 Transport and Road Safety
BE1 Design of New Development

SPG1
SPG2

London Plan Policies include 5.3, 6.11, 6.13, 7.3, 7.4, 7.14 and 7.15 which outline the need to ensure that proposals are considered carefully in terms of their overall appearance and layout and their potential impact to the character and appearance of the area. They also consider noise impacts, air quality, highway safety and parking implications as a result of development.

Planning History

The planning history includes planning permission ref. 98/00330 for Alterations and Extensions to Existing Car Park. This permission was subject to planning conditions including condition 03 relating to acoustic fencing to the rear boundary, Condition 04 requiring the car park extension to be permanently laid out in accordance with the agreed details and Condition 05 stating there shall be no

facility at the premises to allow customers to pick up hot food or drinks without leaving their vehicle.

Application ref. 98/00332 (and 98/00333 duplicate application) for 'Alterations and single storey side extension to provide 3 drive thru booths each with canopy and formation of drive thru lane access' were withdrawn, and application ref. 02/02880 for 'single storey side and rear extensions, alterations to car park and formation of a 'drive-through' facility' was received but never progressed.

Conclusions

The main issues relating to the application are the effect that the proposal would have on the character of the area, the effect on highway safety and the impact that it would have on the amenities of the occupants of surrounding residential properties.

In support of the application the planning statement references NPPF requirements of the need to support economic growth through the planning system. Whilst this legislation was only in draft form at the time of the McDonald's Broomwood (Sevenoaks Way, Orpington) decision the Inspector opined that 'The considerations in favour of the development include the creation of 65 full and part time jobs and employee training and education. Such considerations add weight to my decision to allow the appeal'. It should be noted that the existing number of employees at McDonalds Hastings Road is 30 full-time and 35 part-time (equivalent number of full-time = 45). The current drive-thru proposal identifies the proposed employees to be 10 full-time and 15 part-time (equivalent number of full time = 50).

The application site is an existing commercial site and it may be considered that the extent of the built development proposed by this scheme is unlikely to have a detrimental impact on the character of the area.

It is noted that neighbour objections have been raised in respect of parking, traffic and road safety issues. No objections have been raised by TfL, subject to certain management measures, nor by Highways Planning. Following receipt of neighbour objections additional Highways comments and clarification were sought in relation to the issues raised. Clarification is given by Highways as follows:

Reduction in Number of Parking Spaces:

A beat survey of the car park (including staff and customer vehicles) was undertaken in 15 minute intervals during the survey periods. The survey indicates that the maximum parking demand recorded was:

- Friday 33 vehicles
- Saturday 36 vehicles
- The existing parking provision of 53 spaces is well in excess of the peak level of demand.

Vehicular Circulation:

- A TRACK analysis is presented in Appendix 11.2 which illustrates a vehicle circulating the drive thru lane see Transport Assessment report prepared by ADL Traffic.

Disabled Parking:

- The position of the disabled bay is close to the main building and drivers can manoeuvre in and out of the parking space in a safe and convenient manner.

Parent & Child:

- There is no requirement to provide more Parent & Child spaces.

Goods Delivery:

- Martin Bower is McDonald's sole distributor for all its products. Martin Bower use multi temperature vehicles which allow all of the restaurants requirements for frozen, chilled and ambient products to be delivered in one visit. This reduces the number of deliveries each restaurant receives. The proposal would not alter the frequency or size of service vehicles visiting the site. This is because the vehicle which currently delivers would provide slightly more products to accommodate the additional demand; deliveries would occur from within the customer car park as existing. TRACK analysis illustrating a service vehicle accessing and circulating the site is included see Track Analysis Appendix 11.1 of Transport Assessment.
- The proposal is for a drive thru facility with side by side ordering facilities and a small extension of 3sq.m. to provide a cash booth. The drive thru lane would reduce the parking provision from 53 to 27 spaces. There are no proposals to alter the existing access arrangements. Capacity analysis of the site access junction has demonstrated that there is adequate capacity to accommodate the additional traffic generation. The drive thru lane can accommodate 14 vehicles. The side by side ordering facilities operate simultaneously allowing customer orders to be processed quicker than a traditional single Customer Order Display drive thru lane. The proposed drive thru facility is considered to be sufficient to accommodate the expected level of demand.

Neighbour objections also highlight that there has been a recent fatality near to the site. Additional comments in respect of this from Road Safety will be reported verbally to Committee.

In respect of local objections raised regarding an increase in litter the planning statement indicates that the restaurant has a litter patrol scheme. It states that following the consultation meeting on 25/9/12 the litter plan has been reviewed. It also highlights that the store does not have a history of anti-social behaviour but that the inclusion of the 'drive thru' will remove any potential for this type of behaviour as vehicles and pedestrians will have access to all parts of the site.

Neighbour objections are raised regarding the increase in noise levels. Planning policy is concerned that development should not harm neighbouring amenities by noise and disturbance. A Noise Impact Assessment has been submitted in support of the application. The assessment found that 'the specific noise from both drive-thru traffic and the COD units are predicted to have no significant impact on the quietest ambient noise levels measured. The primary noise source - traffic driving around the drive-thru lane - is the same in character as the ambient noise. Noise from the COD has a different character but is low enough generally to be inaudible above the ambient noise'. In respect of vehicle noise the report notes (para7.7) as there are no noise data available as yet for drive-thru traffic at the application site it was deemed reasonable to utilise data for a similar site where the drive-thru is already in operation. The full report is available to view on file.

Environmental Health comments indicate that, in principle, the noise level predictions are fairly realistic. However, findings taken from monitoring at McDonalds, Broomwood (Sevenoaks Way, Orpington) indicate significant variations during the course of the day, with a continuous line of cars at peak times which may last for several hours. Of significance is that the intercom is at times clearly audible in the gardens, with some staff much louder and clearer than others. There is also significant variation in the volume of car stereos.

It is therefore the EHO view that the proposal could cause serious loss of amenity although the impact would be much reduced if managed properly. They comment 'Whether or not this impact is acceptable or not is hard to predict'.

EHO further comment 'Given that the noise from the intercom is totally within the control of McDonalds staff, this only leaves the noise from the car stereos and the cars themselves. Notices displayed requesting drivers to have consideration for neighbours may or may not be effective, but if not then another solution may be for a member of staff to be in the car park at the most noise-sensitive times ensuring that drivers are considerate. A system for recording and responding to neighbour complaints is also important'.

If Members are satisfied, given the findings discussed above, that the effect that the proposal would have on the character of the area and the effect on highway safety are acceptable the main planning concern turns to the impact that it would have on the amenities of the occupants of surrounding residential properties. Although it is noted that the Noise Impact Assessment report concluded that no mitigation measures were deemed necessary for the installation of the drive-thru facility, the findings of the monitoring at the McDonalds, Broomwood Site seem to indicate otherwise.

In order to help further understand the predicted noise (and behaviour) from the proposed use it may be useful to note the Inspector's comments when considering the Broomwood site regarding McDonalds, Wickham Road (Croydon) 'From my observations at the MacDonald's Wickham Road drive through, people did not sound horns, slam doors, play car radios loudly or shout into the COD. I see no reason for them to do so and consider it unlikely behaviour as it would affect their ability to successfully place an order. Whilst vehicle movements are likely to increase from that of current levels, I conclude that the increase in noise above the

ambient background noise likely to be experienced by local residents and those adjacent to the site would be within acceptable tolerance levels'.

Whilst concerns are raised in respect of impact on neighbouring amenity given the technical data provided in support of the application and the actual behaviour patterns noted at two McDonald Drive-thru sites (Broomwood, Orpington and Wickham Road, Croydon) Members may consider that subject to planning conditions relating to noise mitigation measures and management of noise, and on the basis that the current hours of operation of 5am to 11pm are to remain, on balance, the impacts of the proposed use may not be so great as to warrant a planning refusal.

Background papers referred to during production of this report comprise all correspondence on files refs. 13/02237 and 10/02456, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACC04 Matching materials
 ACC04R Reason C04
- 3 ACH22 Bicycle Parking
 ACH22R Reason H22
- 4 ACJ06 Restricted hours of use on any day 5am 11pm
 ACJ06R J06 reason (1 insert) BE1
- 5 ACK01 Compliance with submitted plan
 ACC01R Reason C01
- 6 Details of management measures to be adopted to ensure queuing does not take place on Hastings Road should the restaurant experience exceptional demand shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and shall be permanently retained thereafter.

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of the road safety and traffic management.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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