

Committee	PLANNING COMMITTEE (A)	
Report Title	RESTAURANT UNIT, BELL GREEN RETAIL PARK, LAND AT FORMER BELL GREEN GAS WORKS, BELL GREEN SE26	
Ward	Bellingham	
Contributors	Geoff Whittington	
Class	PART 1	20 JUNE 2013

Reg. Nos.

DC/13/82885

Application dated

11.03.2013 & 15.05.2013.

Applicant

Kier Property, National Grid Property Developments Ltd & McDonald's Restaurants

Proposal

The construction of a single-storey building to provide a McDonald's restaurant (Use Class A3/A5) at Bell Green Retail Park fronting Spine Road, Land at former Bell Green Gas Works, Bell Green SE26, comprising 316sq.m gross internal floor space, 31 car spaces, 10 covered cycle spaces and associated soft landscaping.

Applicant's Plan Nos.

LS-08 Rev B, 1826-P-145, 1826-P-146, 1826-P-147, 1826-P-148, 1826-P-149, Planning Statement, Design & Access Statement, Bream Report, Transport Statement, 'Our Food, Nutrition and Sourcing' and Letter dated 14 May 2013.

Background Papers

- (1) Case File LE/214/21/TP
- (2) National Planning Policy Framework (NPPF)
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan (2011)
- (6) Lewisham Retail Capacity Study
- (7) DCLG: Greater Flexibility for Planning Permissions (2009)
- (8) Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Designation

Development Site, Area of Archaeological Priority, Flood Risk Zone 3, PTAL 2/3, Adj to Metropolitan Open Land, Local Open Space Deficiency, Adj. to Waterlink Way SNCI, Not Conservation Area, Not Listed.

## **1.0 Property/Site Description**

- 1.1 The application site forms part of an extensive site known as the former Bell Green Gas Works. The Gas Works site has been divided into three phases.
- 1.2 The Phase I land has been developed to provide a Savacentre hypermarket (now trading as Sainsbury). The existing retail unit is located close to the eastern boundary of the site adjacent to the River Pool. There is a large car park located in front of the store accessed from the spine road leading off Perry Hill.
- 1.3 The Phase II land is the area between the gas holders and the linear park/river, to the north of Spine Road and the Sainsbury store. This is the largest phase of the Bell Green site with a site area of approximately 6.3ha. There is a tree screen along the northern boundary between the site and residential area behind. In the north eastern corner of the site is a water treatment works.
- 1.4 Phase II has the benefit of planning permission for retail and employment floorspace. The approved planning permissions allow for five/six retail units to be located on a east-west axis towards the western end of the site closest to the gas holders. The retail units will occupy approximately one half of the site towards the northern boundary allowing space for a garden centre to be located behind the retail units. Car parking for 460 vehicles will be provided in front of the retail units on the southern section of the site. The car parking spaces will be accessed from Spine Road. Permission includes the provision of an A3 unit positioned on the southern boundary of the site immediately adjacent to Spine Road. The eastern section of the site is allocated to business units.
- 1.5 The Phase III site is located to the west of the Sainsbury car park, fronting Bell Green. Phase III has the benefit of planning permission for a residential development with associated retail provision.
- 1.6 The smaller block, which is located to the north of the site, adjacent to the gas holders, ranges in height from two to four storeys and contains a mix of residential and commercial. The residential element comprises 4 one bedroom flats and 16 two bedroom flats.
- 1.7 The southern block, comprises 32 one bedroom flats and 104 two bedroom flats with parking for 61 vehicles on the ground floor and residential amenity space provided on a first floor podium. The block ranges in height from 4 to 8 stories.
- 1.8 The Bell Green site lies in a area of mixed use and character, close to Sydenham Town Centre. There are residential properties to the north (Silver Birch Close and Selworthy Road), Livesey Memorial Hall (Listed Grade II), tennis courts and bowling green to the northwest, residential development to the east, beyond the river, Staunton Industrial Estate to the south and residential development to the west, on the opposite side of Bell Green and Perry Hill.
- 1.9 To the west and south of this site are Bell Green and Southend Lane, leading to Staunton Way. These are busy routes linking Sydenham, Catford, Beckenham and Bromley.
- 1.10 The application subject of this report relates to Phase II of the Bell Green site as described above.

## 2.0 Planning History

2.1 The site has undergone numerous planning applications over the last 25 years with the development area having been split into 3 separate sites.

2.2 In 1983, an outline consent was granted for retail (19,070m<sup>2</sup>) and industrial (13755m<sup>2</sup>) and open space including the diversion of the River Pool. This was implemented in 1994. A masterplan for the whole site was required by a condition attached to this permission which was approved in 1994.

2.3 In 2003 outline planning consent for Phase II and III sites was granted (Planning Ref: 03/54844) comprising of;

'The redevelopment of part of the Former Bell Green Gas Works comprising the construction of business, industrial or warehouse units, 10,644 sq.m gross (Use Class B1/B2/B8), non-food retail units and associated garden centre 13,517 sq.m gross (Use Class A1), **restaurant 316 sq.m gross (Use Class A3)**, together with use of Livesey Memorial Hall as a social club (Use Class D2), associated landscaping, highway improvements, 40 bicycle and 598 car parking spaces and the provision of two pole mounted CCTV cameras within the spine road. (Outline Application)'

2.4 The employment use will comprise B1, B2 and B8, located on the eastern side of the site close to the Pool River.

2.5 Subsequently two applications (Phases II and III works) were submitted to the Local Planning Authority (Planning Ref: 05/59375 & 05/58884). These were called in by the Secretary of State, who granted conditional consent on 19th October 2006. These comprised;

Phase II - 'The redevelopment of part of the Former Bell Green Gas Works comprising the construction of business, industrial or warehouse units, 10,644 sq.m (Use Class B1/B2/B8), non-food retail units, including DIY store with associated garden centre 13,517 sq.m (Use Class A1), **drive-thru restaurant 316 sq.m (Use Class A3)**, together with use of Livesey Memorial Hall as a social club (Use Class D2), associated landscaping, highway improvements, 40 bicycle and 598 car parking spaces and provision of two pole mounted CCTV cameras within the spine road'.

2.6 The following history relates only to Phase II and includes all relevant permissions submitted in connection with the approved outline consent DC/05/59375 and reserved matters DC/07/65342.

2.7 **DC/07/64652:** Details of surface water and groundwater monitoring programme submitted in compliance with Condition (32) of the planning permission dated 19 October 2006 (DC/05/59375) granted by Government Office of London for the redevelopment of part of the Former Bell Green Gas Works, Perry Hill SE6, comprising the construction of business, industrial and/or warehouse units, 10,644 sq.m gross (Use Class B1/B2/B8), non-food retail units and associated garden centre 13,517 sq.m gross (Use Class A1), **restaurant 316 sq.m gross (Use Class A3)**, together with use of Livesey Memorial Hall as a social club (Use Class D2), associated landscaping, highway improvements, 40 bicycle and 598 car parking spaces and the provision of two pole mounted CCTV cameras within the spine road. Granted.

- 2.8 **DC/07/64904:** Details of the Site investigation granted by the Secretary of State submitted in part compliance with Condition (13) of the planning permission dated 19 October 2006 on land at the former Bell Green gas works, Bell Green, London for the redevelopment consisting of a mixed use regeneration including business, industrial and/or warehousing development (Class B1, B2 and B8); non-food retail warehousing (Class A1) including a "do-it-yourself" / home improvement store and associated garden centre; and a **restaurant (Class A3)**; together with associated car parking, landscaping and highway improvements and the retention of Livesey Memorial Hall as a social club (Class D2). Granted.
- 2.9 **DC/07/65324:** Details of the surface water drainage submitted in compliance with condition (30) of the outline planning permission dated 19 October 2006 for the redevelopment of the former Bell Green Gas Works, Bell Green SE26, consisting of a mixed use regeneration, including business, industrial and/or warehousing development (Class B1, B2 and B8); non-food retail warehousing (Class A1) including a "do-it-yourself" / home improvement store and associated garden centre; and a **restaurant (Class A3)**; together with associated car parking, landscaping and highway improvements and the retention of Livesey Memorial Hall as a social club (Class D2). Granted.
- 2.10 **DC/07/65344:** Details of the Environmental Management Plan (Remediation Phase and Construction Phase) and Construction Method Statements (Remediation Phase and Construction Phase) submitted in compliance with Conditions (14) and (15) of the outline planning permission granted by the Secretary of State, dated 19 October 2006 for the redevelopment of part of the Former Bell Green Gas Works, Perry Hill SE6, comprising the construction of business, industrial or warehouse units, 10,644 sq.m gross (Use Class B1/B2/B8), non-food retail units and associated garden centre 13,517 sq.m gross (Use Class A1), **restaurant 316 sq.m gross (Use Class A3)**, together with use of Livesey Memorial Hall as a social club (Use Class D2), associated landscaping, highway improvements, 40 bicycle and 598 car parking spaces and the provision of two pole mounted CCTV cameras within the spine road. Granted.
- 2.11 **DC/07/66311:** Details of the design of the surface and groundwater monitoring programme for during and after site works submitted in compliance with condition (32) of the outline planning permission dated 19 October 2006 for the redevelopment of the former Bell Green Gas Works, Bell Green SE26, consisting of a mixed use regeneration, including business, industrial and/or warehousing development (Class B1, B2 and B8); non-food retail warehousing (Class A1) including a "do-it-yourself" / home improvement store and associated garden centre; and a **restaurant (Class A3)**; together with associated car parking, landscaping and highway improvements and the retention of Livesey Memorial Hall as a social club (Class D2). Granted.
- 2.12 **DC/09/73178:** Details of the Site investigation submitted in compliance with Condition (13b, c & d) of the planning permission dated 19 October 2006 (DC/05/59375), granted by The Secretary of State, on land at the former Bell Green gas works, Bell Green, London for the redevelopment consisting of a mixed use regeneration including business, industrial and/or warehousing development (Class B1, B2 and B8); non-food retail warehousing (Class A1) including a "do-it-yourself" / home improvement store and associated garden centre and a **restaurant (Class A3)**; together with associated car parking, landscaping and highway improvements and the retention of Livesey Memorial Hall as a social club (Class D2). Granted.

### **3.0 Current Planning Application**

- 3.1 The application proposes the construction of a single-storey building at the Bell Green Retail Park, adjacent to the car-parking area serving Units 1 - 6. The building would accommodate a restaurant/ takeaway (Use Class A3/ A5). The application has been submitted on behalf of McDonald's.
- 3.2 The restaurant would accommodate a maximum of 85 customers.
- 3.3 Up to 65 job opportunities would be created, including 40 full time roles.
- 3.4 The use would operate between the hours of 06.00 and midnight 7 days a week.
- 3.5 31 car-parking spaces would be provided, accessed from Spine Road.
- 3.6 Covered parking would be provided for 10 bicycles.
- 3.7 Hard and soft landscaping works would be undertaken to the external areas around the proposed building. Seating would be provided, whilst external lighting would be installed.
- 3.8 Proposed illuminated signage forms part of a separate planning application (DC/13/83070).
- 3.9 The current application does not include a 'drive-thru' facility.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and ward Councillors.

#### **Written Responses received from Local Residents and Organisations**

- 4.3 310 letters were sent to local residents. Subsequently, two letters were received from the occupiers of 98 Selworthy Road and 3 Kangley Bridge Road, raising the following issues:-
  - McDonald's already operate within close proximity of the Bell Green site;
  - Traffic and parking concerns;
  - Junk food outlets are not the kind of business that our elected representatives should be supporting;
  - Increase in litter;
  - Increase in loitering and social disruption;
  - Noise disturbance;
  - Trading times should be restricted to 7am – 9pm.

4.4 Cllr Ibitson has also objected on the following grounds:

- This does not promote healthy eating and is in proximity/sight of two primary schools, the council has emerging planning policy on fast food outlets;
- There is already a vacant restaurant unit on phase 2 of the development, why do we need another;
- The site should provide some opportunities for local businesses rather than more corporate conglomerates;
- There are a lot of takeaways and fast food outlets in the area and we don't need another;
- There would be a negative impact on traffic in the vicinity, which already causes concern in nearby residential streets;
- The site is in sight of Haseltine Primary School and close to Adamsrill;
- Should this go ahead, the fast food outlet might be encouraged to make some contributions to local voluntary initiatives? I'd personally rather another outlet was found, however.

(Letters are available to Members)

Written Responses received from Statutory Agencies

Environment Agency

4.5 No objections.

Highways and Transportation

4.6 No objections raised.

Environmental Services

4.7 Further details are required in respect of ventilation.

**5.0 Policy Context**

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

#### National Planning Policy Framework (NPPF)

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.
- 5.5 In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan.
- 5.6 As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.7 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211 and 215 of the NPPF.

#### London Plan (July 2011)

- 5.8 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London  
Policy 2.9 Inner London  
Policy 3.2 Improving health and addressing health inequalities  
Policy 4.10 New and emerging economic sectors  
Policy 4.11 Encouraging a connected economy  
Policy 4.12 Improving opportunities for all  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime

### Core Strategy (June 2011)

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Objective 10 Protect and enhance Lewisham's character;  
Spatial Policy 4 Local Hubs;  
Policy 6 Retail hierarchy and location of retail development;  
Policy 14 Sustainable movement and transport;  
Policy 15 High quality design for Lewisham.

### Unitary Development Plan (July 2004)

- 5.10 The saved policies of the UDP relevant to this application are:

ENV.PRO 11 Noise Generating Development;  
STC 8 Local Shopping Parades and Corner Shops;  
STC 9 Restaurants A3 Uses and Take Away Hot Food Shops.

### Emerging Plans

- 5.11 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

### Development Management Plan

- 5.12 The Development Management Local Plan – Further Options Report, is a material planning consideration but is at an early stage of preparation. Public consultation will take place during December and January 2013. Therefore, in accordance with the NPPF, the weight decision makers should accord the Further Options Report should reflect the advice in the NPPF paragraph 216.

- 5.13 The following policies are considered to be relevant to this application:

15. Local shopping parades and corner shops  
18. Hot food take-away  
25. Noise and vibration  
26. Lighting  
28. Car parking

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:

a) Principle of A3/ A5



- b) Design
- c) Highways and Traffic Issues
- d) Ventilation
- e) Impact upon Residential Amenities and Hours of Operation
- f) Landscaping Works
- g) Sustainability

#### Principle of A3/ A5 Use

- 6.2 The principle of an A3 restaurant was formally agreed in this location as part of the proposed phase II development works upon the Bell Green site. The current application seeks to provide a mixed A3/ A5 restaurant takeaway use that would be occupied by McDonald's.
- 6.3 Such use must consider the location, design, parking and traffic generation as well as impact on the amenities of neighbouring residents.
- 6.4 Concerns toward a potential 'drive-thru' use have been raised in recent years and the subsequent impact it would have upon increased traffic levels in and around the surrounding area. In this case, a 'drive-thru' is not proposed.
- 6.5 The nature of the intended occupiers/ use has raised obesity and healthy eating concerns. Bellingham has been identified as being an area of having high levels of poor health by Well London, which is a programme that works with local communities to transform their health. Phase 1 of Well London projects operated in 20 separate areas, including South Bellingham, working with between 1500 and 2000 people.
- 6.6 As a consequence, local ward Councillors and members of the community wish to promote healthy eating in Bellingham and so consider that any planning applications for changes of use to cafes, restaurants or takeaways should be resisted where there are sufficient existing eateries nearby, or schools within close proximity. One objection considers there are already a number of McDonald's restaurants currently operating in Catford, Lewisham and Bromley.
- 6.7 Policy 17 of the emerging DMLP document acknowledges the problems takeaway shops can cause in terms of obesity and unhealthy eating. It states that the Council will not grant permission for new hot food takeaways (A5) that fall within 400 metres of the boundary of a primary or secondary school
- 6.8 In addition, local authorities are required by the NPPF to promote the health and well-being of communities and to develop policies to address concerns over the development of fast food outlets close to schools. In this case, there are no schools that fall within 400m of the application site.
- 6.9 In response, the applicants have advised the nearest McDonald's restaurants are located a sufficient distance away from Bell Green, whilst in line with its approach nationally, it would seek to include healthy foods on its menu.
- 6.10 Whilst officers acknowledge the concerns raised toward obesity in Bellingham, it is considered that the principle of A3/ A5 use upon this site is acceptable, in keeping with the general character and operation of a typical retail estate. The fact McDonald's would occupy the site is insufficient reason alone for refusal to be recommended.

- 6.11 The proposed use would result in the creation of up to 65 job opportunities, of which 40 would be full-time posts, thereby demonstrating the positive impact the use would have upon the area.
- 6.12 Subject to other related matters including design, highways and traffic issues and impact upon the amenities of neighbouring occupiers, officers support the principle of such use in this location.

#### Design & Siting

- 6.13 The proposed single-storey building would be located to the south of the phase II site, 20 metres from the edge of Spine Road. It would measure 316 sq.metres. (31m length, 13m wide and 5.5m height.) In comparison, the A3 building originally granted consent measured a footprint of 320sq.m and was positioned approximately 3 metres further to the north of the current proposal.
- 6.14 Visually, the freestanding building is of a design typical of such retail park 'fast food' restaurants, incorporating McDonald's corporate logos and colours.
- 6.15 External materials would include timber effect (walnut) panelling to much of the elevations, together with low level charcoal coloured brick slips.
- 6.16 Solid, louvred and flat style canopies would be provided, whilst all windows and external doors would be aluminium framed.
- 6.17 The location of the proposed building, its appearance and facing materials are considered acceptable and would not result in any adverse impact upon the character of the surrounding area.

#### Highways and Traffic Issues

##### *a) Access*

- 6.18 Vehicular access into the McDonald's site would be from Spine Road and from the main car-park serving the retail units. An access control barrier would restrict vehicles from entering the retail car park.
- 6.19 Safe pedestrian access would be ensured by dedicated footpaths running through the retail park, with the provision of three crossings within the McDonald's site.

##### *b) Servicing/ Deliveries*

- 6.20 The applicant has addressed servicing/ deliveries, however their statement is not specific to this particular site. It confirms that McDonald's restaurants typically receive three deliveries a week. Each delivery is usually completed between 15 and 45 minutes, depending upon the size of load.
- 6.21 A delivery bay would be provided to the area shown as 'service lay-by' on Spine Road adjacent to the application site.
- 6.22 Considering no specific details have been provided, a Condition is suggested that requests the submission of a detailed delivery and servicing plan to be approved by the Council prior to commencement of the use.

*c) Cycle Parking*

- 6.23 Covered cycle parking has been proposed within the site for 10 bicycles, in accordance with guidance stated in The London Plan.
- 6.24 The cycle shelter, sited adjacent to the car-parking bays, would be a metal framed structure measuring 5.9m wide and 2m height, providing 5 'Sheffield' stands. The appearance and siting of the shelter is considered acceptable.
- 6.25 A Condition will be included that ensures the secure cycle parking is provided prior to the commencement of the use.

*d) Car Parking*

- 6.26 31 car-parking spaces would be provided within the McDonald's site, including 2 disabled bays. This would form a part of the larger car-park designated for the new Phase II retail units, which would accommodate 460 spaces. The Phase I car-park serving the existing Sainsbury's is located to the opposite side of Spine Road.

*e) Refuse*

- 6.27 The applicants state that it is company policy to conduct three daily litter patrols, whilst employees are instructed to ensure any litter around the external areas of the restaurant are discarded.
- 6.28 Bin stores would be located to the side of the new building. A Condition will ensure all refuse bins would be installed prior to first occupation.

Travel Plan

- 6.29 In compliance with the existing S106 Agreement, a Framework Travel Plan has been submitted that will work towards the implementation of a Travel Plan specific to the proposed restaurant use. It confirms the following:
- A Travel Plan co-ordinator will be appointed prior to the opening of the restaurant;
  - The first Travel Plan survey will be undertaken within 3 months of the restaurant first opening;
  - The finalised Travel Plan will be agreed within 9 months of the restaurant opening for trading.
- 6.30 The document lists a number of measures and initiatives, including the encouragement of staff to car share, and the promotion of cycling and walking to work. A monitoring programme would be undertaken within 3 months of the unit being operational, whilst an annual Travel Plan review would be undertaken annually for a period of 5 years.
- 6.31 The applicant's approach addressed in the document is considered acceptable. A Condition will be included to ensure the Travel Plan is developed, and undertaken within a set period.

## Ventilation

- 6.32 Further consideration for the acceptability of the use of the premises as a hot food takeaway is whether arrangements have been proposed for the efficient and hygienic discharge of fumes and smells including a suitable location for a ventilation duct.
- 6.33 Details of the ventilation equipment have not been submitted in terms of appearance or operation. It is assumed the ventilation would be discreetly positioned so not to be viewed from street level, however further information will be required to confirm this, together with operational details. Residential dwellings are located a significant distance away from the proposed siting, therefore officers are satisfied their amenities would not be affected, however a Condition will request such information is submitted prior to commencement of the use.

## Impact Upon Residential Amenity/ Hours of Operation

- 6.34 Officers consider that due to the siting of the proposed building and the distance away from the nearest residential dwellings, the level of visual impact upon occupiers would not be significant.
- 6.35 In regard to the actual use, the hours of opening are proposed to be 6am to 12am daily. An objection has been received stating the hours should be reduced to 7am to 9pm to fall in line with the general trading times of the Phase II occupiers.
- 6.36 Considering the nature of the use and its location, a 12am closing time is acceptable. The nearby Sainsbury's regularly closes at midnight, therefore the proposed operation times would not be out of character with neighbouring units. Nevertheless, it is appropriate that a Condition be included that ensures the stated hours are adhered too and not extended without formal consent.
- 6.37 Residents have also raised concerns about an increase in noise relating to the use, attributed to customers using the premises and the potential for youngsters to loiter outside whilst consuming their food, in addition to the use resulting in an increase of on-street littering.
- 6.38 Officers consider it unreasonable to refuse permission based upon the actions of customers. The applicants have advised they would seek to ensure litter to the immediate area is cleared, and would warn customers to conduct themselves properly should any bad behaviour be experienced on the premises. Beyond the boundaries of the restaurant, it would be unreasonable to proportion blame to McDonald's for any anti-social behaviour of people who may have recently purchased food there.

## Sustainability

- 6.39 In line with national policy, the commercial building would achieve a BREEAM rating of Excellent.
- 6.40 A range of categories have been identified by the applicant to meet with BREEAM, including management, materials energy and pollution. A Condition will be included to ensure suitable measures are undertaken in full to achieve the desired rating.

## Landscaping

- 6.41 The area around the proposed building would provide a mix of soft and hard landscaping.
- 6.42 Footpaths within the site would be a mix of 'Buff' coloured concrete slabs and black bituminous paving, whilst parking bays and vehicular routes would be of black bitumen paving.
- 6.43 Soft landscaping measures detailed on Plan LS-08B would include the planting of 11 trees (7 x Acer & 4 Carpinus), hedges and various shrub planting.
- 6.44 Details of the management and maintenance of the proposed soft landscaping have been provided. It is considered appropriate a Condition be included that ensures any approved planting that may die are replaced.
- 6.45 Officers raise no objections in principle to the hard and soft landscaping measures proposed.
- 6.46 In respect of a 'sustainable urban drainage system' the Planning Statement response is generic and not specific to this site. It refers to a site drainage strategy, however this is in regard to possible measures relating to the building rather than the site. A Condition is therefore suggested requesting further information to ensure suitable measures are undertaken to address rain water run-off/ flooding concerns.
- 6.47 6no. 4 metre high lighting columns and a low level lantern would be provided upon the site. Further details are required in respect of lux levels and measures to safeguard against excessive light spillage.

## Signage

- 6.48 A separate application (DC/13/83070) has been submitted in respect of various illuminated and non-illuminated signage and banners to the proposed building and surrounding external areas. No objections have been received to the application, and therefore will be determined under delegated powers.

## **7.0 Conclusion**

- 7.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 7.2 On balance, officers consider that the proposed building and A3/ A5 use would not have a detrimental impact upon the character and appearance of the area or on the amenities of neighbouring properties. A benefit of the proposed use relates to the employment opportunities it would provide, with up to 65 jobs created.
- 7.3 Further details will be required in respect of ventilation, external lighting and an appropriate Travel Plan, however the proposal is acceptable, and therefore permission is recommended.

## 8.0 Summary of Reasons for Grant of Planning Permission

It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with saved policies ENV.PRO 11 Noise Generating Development; STC 9 Restaurants A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004) and Spatial Policy 3 District Hubs; Objective 10 Protect and enhance Lewisham's character Policy 14 Sustainable movement and transport and Policy 15 High quality design for Lewisham in the adopted Core Strategy (July 2011).

## 9.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below

LS-08 Rev B, 1826-P-145, 1826-P-146, 1826-P-147, 1826-P-148, 1826-P-149, Planning Statement, Design & Access Statement, Breeam Report, Transport Statement, 'Our Food, Nutrition and Sourcing' and Letter dated 14 May 2013.

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- 3 No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 4
- (a) The building hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
  - (b) No development shall commence until a Design Stage Certificate for the building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
  - (c) Within 3 months of occupation of any the building, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 5
- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
  - (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
  - (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 6
- (a) A minimum of 10 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
  - (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

**Reason:** In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- 7
- (a) No development shall commence on site until drawings detailing the permeability of proposed external hard surfaces within the application site have been submitted and approved in writing by the local planning authority.
  - (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

- 8 All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme. Any trees or plants which within a period of five 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 similar size and species.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

- 9 (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- 10 (a) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To safeguard the amenities of the neighbouring premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 11 (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.



- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

**Reason:** In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 12
- (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
  - (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
  - (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 13
- (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
  - (b) The Travel Plan shall specify initiatives to be by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
  - (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

**Reason:** In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 14
- No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

**Reason:** In order to safeguard the amenities of adjoining residents and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 15 The premises shall only be open for customer business between the hours of 06.00 and 00.00 on any day of the week.

**Reason:** In order to safeguard the amenities of neighbouring occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 16 The refuse facilities hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 17 **Unique Condition:** No development beyond piling works shall commence until details have been submitted to and agreed in writing in respect of the operation and use of the proposed control barriers, including how the vehicular access route and relationship with the retail car parking area would be managed.

The measures specified in the approved details shall be maintained thereafter.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## **INFORMATIVE**

### **Positive and Proactive Statement:**

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place during the application process which resulted in further information being submitted.