

Application Number:	2015/0438	Application Type:	Full
Proposal:	Major: Erection of single storey McDonalds restaurant with associated drive-thru, including car parking, access and landscaping	Location:	Junction Of Haslingden Road Rawtenstall Rossendale BB4 6QZ
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	19 July 2016
Applicant:	MCDONALD'S RESTAURANT LTD and West Register	Determination Expiry Date:	Extension of time agreed until 29 July 2016
Agent:	PLANWARE LTD		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	Major Application

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Committee be minded to approve Planning Permission subject to the Conditions set out in Section 10.

SITE

The site is located on the junction of Haslingden Road (A681) which forms the northern boundary of the site, Rawtenstall Spur Road (A682) abuts the site to the south, the gyratory is to the east and a densely wooded area to the west which is also within the site boundary but is not proposed to be developed. To the north beyond Haslingden Road lies the Grade II listed St Mary's Chambers building which is in an elevated position above the site. To the north east is a group of residential properties on Haslingden Road, including Captain's Fold which is the closest dwelling to the site and is accessed off a separate access from the gyratory. This road also provides access to the rear of 42-46 Haslingden Road. The East Lancashire Railway line is located around 30 metres to the south of the site beyond the Spur Road.

The site is unallocated on the Local Plan Proposals Map. It lies within the Urban Boundary of Rawtenstall and the Rawtenstall Town Centre Conservation Area boundary wraps around three sides of the site (north, east and south). That part of the Conservation Area contains a large gyratory with a fire station building located within it. There are views from various parts of the gyratory across to the site to the countryside beyond. There is one listed building in close proximity to the site, as previously mentioned, which is the Grade II listed St Mary's Chambers building which is in an elevated position above the site on Haslingden Road. Its "classical style" dominates this part of the conservation area and views across the valley from the south. It is the impact of the proposal on the setting of this listed building rather than the conservation area in general which is critical in the determination of this application.

The site lies 100 metres to the west of the Rawtenstall Town Centre boundary where a range of facilities and public transport services can be accessed. The site is accessible on foot and cycle with sections of shared cycle / pedestrian routes adjacent to the gyratory with signalised crossings across Bocholt Way (A681) and the Rawtenstall Spur Road (A682).

The site itself is vacant having previously been occupied by the Accrington and Rossendale College buildings which have been demolished. The boundaries of the site are characterised by a number of mature protected trees and further vegetation. The site comprises previously developed land in planning terms.

PLANNING HISTORY

The following applications are relevant to the determination of this application:

- 2006/0648 – outline planning permission (all matters reserved) for hotel and housing development comprising 94no. apartments and 60no. bed hotel with underground and surface car parking. The application was refused on 07/02/07 and subsequently appealed. The appeal was dismissed on the grounds of harm to the setting of St Mary's Chambers.
- 2007/0761 – outline planning permission for a 38no. bed hotel with pub / restaurant and 34no. apartments. The LPA failed to determine the application, it was appealed against non-determination and was allowed. This permission was never implemented.

PROPOSAL

The applicant seeks full planning permission for the erection of a free-standing single storey McDonalds restaurant with associated drive-thru, including car parking, access and landscaping. The key elements of the proposal are summarised below:

- The building will have a gross external area of 415sqm.

- The site will be accessed by a single point off the gyratory via the existing access point although this is to be improved and widened. This will provide the access for vehicles, pedestrians and cyclists.
- A new junction will be created onto the Rawtenstall Spur Road (A682) which will form the exit for vehicles. Pedestrians and cyclists will exit onto the gyratory and not via the vehicular exit.
- A drive-thru is proposed with two canopies for ordering and two kiosks for collection.
- 38 no. car parking spaces are proposed of which 34 are general bays, 2 are accessible bays and 2 are grill bays (for drive-thru customers to wait for their order).
- 4no. cycle spaces.
- An outdoor patio is proposed which will contain seating and outdoor play area.
- Following negotiations between planning officers and the applicant's agent, the building is now proposed in natural stone (Fletcher Bank).
- The applicant proposes 24 hour opening, 7 days per week.
- Approximately 65 jobs will be created.
- 12no. trees will be removed. 18no. trees are proposed to be planted in addition to areas of landscaping including planting and hedges.

The following have also been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Sequential Assessment
- Refuse Storage and Recycling Statement
- Site Investigation Report
- Coal Authority Report
- Extended Phase 1 Habitat Survey
- Tree Survey, Arboricultural Impact Assessment and Method Statement (amended)
- Noise Impact Assessment
- Transport Assessment
- Travel Plan
- Photomontages from various viewpoints to demonstrate visual impact
- A Flood Risk Assessment (February 2016)

POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 8 Promoting Healthy Communities
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall
- Policy 1 General Development Locations and Principles
- Policy 6 Training and skills

Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

Rawtenstall Town Centre Conservation Area Appraisal

5. CONSULTATION RESPONSES

RBC (Conservation Officer)

The Conservation Officer initially objected to the scheme on the grounds of impact on the setting of the listed building and conservation area, the design and materials and the tree loss. However following the receipt of amended plans and further information on the materials the Conservation Officer has removed their objection.

RBC Operations

No comments received.

Lancashire County Council Local Lead Flood Authority

No objections raised subject to planning conditions.

Environmental Health

Has no objection subject to suitable conditions.

Contaminated Land Officer

No objections are raised subject to a standard contaminated land condition.

LCC (Highways)

No objection subject to minor amendments which have been completed, in addition to a S78 Agreement for off-site highway works and planning conditions.

Ecology Consultant

No objections raised subject to suitable conditions.

Highways England

No objection

Historic England

Historic England advise that it is not necessary for them to be notified of this application.

Lancashire Constabulary

No objection is raised.

United Utilities

No objections subject to conditions.

Tree Officer

The Tree Officer originally raised concerns in respect of tree loss however these concerns have been addressed as part of the amended scheme. No objection.

Rossendale Civic Trust

In relation to the original submission, objection raised to the proposed development on grounds of design. RCT see the New Hall Hey site as their first choice for a McDonalds. Concerns are raised in relation to highway safety.

In relation to the amended design, they consider that the design is closer to local needs but would benefit from more imaginative design time to produce a building whose roof profile and colour could contribute more positively to local identity and heritage.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 04/12/2015, site notices were posted on 03/12/15 and 59 letters were sent to neighbours on 25/11/2015. Further letters of re-consultation were sent to neighbours on 14/06/2016 following receipt of amended plans from the applicant.

33 letters of objection and 2 letters of support have been received.

The main points of objectors (material planning considerations) have been summarised below:

- Illuminated sign does not fit into the Conservation Area
- Entrance to the proposed site will make it harder for pedestrians crossing
- Increasing noise and other environmental issues
- Smells
- Extra litter
- Added traffic congestion and damage to poor roundabout system
- Mess up what little of the town's culture that is remaining/ destroy history
- Against the Council's Policy 23 as its appearance is at the primary gateway and surrounded by a conservation area.
- Negative visual impact/ eyesore
- Unlikely to attract much by the way of pedestrian customers (a little out of town) – if vehicular customers are what they are after what's wrong with the existing rising bridge McDonalds.
- Concerns over levels of obesity in children and adults and promoting and selling unhealthy food (particularly to children)

- Detrimental effects on environment and local community.
- Concerns over trees and soft environmental impact.

The main points raised in support are summarised as follows:

- The proposal offers potential positivity above economic conditions, employment, social vibrancy, mobility, modernity, consumer choice and reasons to visit Rawtenstall
- Offers enhancement, at least for a generation, to a depressing site/location and will complement other nearby development.
- McDonald's would bring people into the valley and the site would be well maintained by McDonald's.

Non-material objections received

- No need for 24 hour opening.
- Reduced property values.
- No need for any further fast food related business such as this.
- Employment: non-skilled, part-time jobs with low wages.
- Concerns for exploiting workforce – long hours, little breaks, labour-intensive pressurised work, no guaranteed hours of work.
- Exploiting children with reference to Ronald McDonald / marketing.
- Against McDonalds as a company.
- Cruelty to animals.
- Misleading literature and advertisements.

Summary of responses received towards amended plans

- Concerns from resident of Captain Fold that the landscaping to the front of their property needs to be enhanced to protect privacy and headlights.
- Concerns over width of access road.
- There are a group of unhealthy trees adjacent to Cow Lane that should be removed.
- Should be signs to deter customers taking a wrong turn onto Cow Lane towards Captains Fold.
- Footpath adjacent to the railway track should be widened and enhanced.

7. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity/Heritage Impact; 3) Landscaping; 4) Neighbour Amenity; 5) Litter; 6) Access/Parking/Highway Safety; 7) Ecology;

Principle

Full planning permission is sought for a McDonalds restaurant and drive-thru which is a 'main town centre use' as defined in the National Planning Policy Framework (the Framework) Annex 2 Glossary. The site is previously developed and is located within the Urban Boundary of Rawtenstall.

As the site lies 100m to the west of the Rawtenstall Town Centre boundary, it is an 'edge of centre' location with reference to the Framework definition. On the basis that the proposal is for a main town centre use in an edge of centre location, the applicant is required to

undertake a sequential assessment as main town centre uses should be located firstly within the town centre. Only if there are no in-centre sites available should an edge of centre site be considered (the Framework paragraph 24). The Framework also states that when considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre, and both applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

The applicant has undertaken a sequential assessment and has submitted the results with the application. The assessment explains that the specific requirements for the proposal are approximately 400sqm of gross floor area, on a site of approximately 0.3 hectares. Three sites have been considered (Bus Station, Bacup Road, Rossendale Tyre Centre on Bacup Road, and Carwash and car park on Burnley Road). The assessment demonstrates that none of the sites meet all three tests of being available, suitable and viable.

The site is located on the edge of Rawtenstall Town Centre, where a range of facilities and public transport services can be accessed, being only 100m away it is accessible on foot and cycle with sections of shared cycle/pedestrian routes adjacent to the gyratory with signalised toucan crossing points across the Rawtenstall Spur Road A682 and Bocholt Way A681.

For the reasons above the proposed development is acceptable in principle in accordance with the Framework and the Rossendale Core Strategy.

Visual Amenity / Heritage Impact

The design of the proposed building initially consisted of artificial stone elevations, large glazed areas and use of timber effect louvered detailing to create the appearance of a pitched roof.

The Council's Planning and Conservation Officers raised an objection with the proposed design of the restaurant building, which was considered somewhat typical of the standard McDonalds restaurant buildings seen across the UK. The building was found to be generic, bearing no relation to the surrounding architectural character of the area. It was considered that little had been done to address the building's sensitive setting.

After 7 months of discussions, the building has now been redesigned to take account of the design and landscaping issues (loss of trees). The new design is bespoke, contemporary and attractive, with understated detailing and a limited selection of materials and colour palette, which reflects the local vernacular. This works very well in this sensitive setting. The walling is local Fletcher Bank stone cladding with clad window surrounds in off-white creating a contrast to the main building. The proposed bin store/corale is proposed to be clad in a light grey colour to blend with the stone and reduce its visibility. The proposed cladding material between the drive thru windows matches the tone of the natural stone.

Further alterations have been made to the east elevation to reduce the former 'back of building' appearance, with glazing wrapping around leading to the principal elevation on the north. This elevation is simple and unobtrusive with extensive glazing, which gives the effect of heightening and lightening the structure.

The retention of trees to the east elevation softens views towards the building and helps the building blend in to existing surroundings without creating a jarring change. This also alleviates impact on the setting of St Mary's Chambers and the conservation area, which the building now fits into well due to improved design.

Officers consider that the applicant has taken positive steps to make alterations to the design, which is now considered to be successful, fitting in well with its surroundings. The design is now considered to be in accordance with Policy 16 of the Core Strategy and paragraph 134 of the Framework. The proposal is no longer harmful to the setting of the Rawtenstall Town Centre Conservation Area or the setting of Grade II listed St Mary's Chambers.

Landscaping

Objections were raised by the Conservation Officer and Tree Officer in relation to the extent of proposed tree loss in the originally submitted scheme. This included the removal of two protected large mature trees (T9 and T10) in a prominent location adjacent to the gyratory. The loss of trees overall was found to be unwarranted, and impacted significantly on the setting of St Mary's Chambers. The poor quality design was compounded by an inadequate landscaping scheme and the Conservation Officer commented as follows:

“Despite its low-lying appearance, the roof design, site landscaping, drive-thru and associated car parking will cause urban sprawl and clutter that cannot be mitigated through screening, which would not in any case resolve the fundamental design issues. Furthermore the site would be viewed from a high vantage point giving an almost plan view from Haslingden Road where the land is much higher than the site.”

The Tree Officer reviewed the submitted Ecology and Tree Surveys and made the following comments:

- The site is previously developed and has been colonised by typical pioneer species.
- Two protected trees (Nos 9 and 10) are proposed for removal and are prominent at the east end of the site. The larger of the two (T10) is reported to have a cavity in the trunk and this is borne out by ecology survey (where it is identified as T1) which concludes it could have bat roost potential and needs further survey work. The location plan shows these two trees outside the ownership of the development and the arboricultural report also states they stand on land of unknown ownership but need to be felled to demolish a wall and grade the land.
- On the basis of the above, consideration should be given to the retention of at least tree T10 and not to grade the land.
- Apart from tree T10, the ecology survey finds no impact on either habitat or species.
- Submitted landscape and specification is satisfactory but there is the opportunity/need for more than nine trees to be planted given the number removed for the development.

The Tree Officer has suggested that the mitigation recommendations, in section 6 of the ecology report, should be conditioned along with the inclusion of protective fences to all trees to be retained.

Following discussions with the agent amended plans have been submitted to show the retention of both T9 and T10. Reducing the size of the bin store on the east elevation (facing the gyratory) has resulted in the drive-thru road being pulled out of the root protection area of T10, enabling its retention. The overall landscaping scheme has been enhanced and 18 trees are now proposed to be planted in addition to areas of landscaping contain various plant species and hedges. The mass of hard surfacing within the car park to the west of the building has been broken up with tree and hedge planting. A condition requiring details of the number of plants (and spacing) to be planted along the green screen

is to be submitted for approval to ensure it is sufficiently dense. In addition, the applicant is to provide by way of a condition a further hedge to be planted adjacent to Captain Fold. These shall be secured through a revised Landscaping Plan.

Overall officers are now satisfied that the proposed landscaping scheme is acceptable and is compliant with the Framework and Core Strategy 18, 23 and 24.

Neighbour Amenity

Core Strategy Policy 24 requires new developments to be designed to protect the amenity of the area, including residential amenity in terms of light, outlook, landscaping, and mitigating noise and light pollution. One of the 12 core planning principles within the Framework states that planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*

The nearest residential property to the site is Captain’s Fold which is a detached dwelling located on Cow Lane (which shares the same entrance point off the gyratory as the proposed McDonalds building). The closest part of the garden is approximately 45m from the building. The property’s principal windows face east and west and therefore do not directly overlook the proposed building. In addition, three mature trees are to be retained and a number of additional new trees and hedges are proposed to be planted to the west of the front of the dwelling, which will enhance the outlook from the existing dwelling. For these reasons officers are satisfied that the proposal will not give rise to unacceptable overlooking, loss of outlook or loss of light on the nearest residential property. There is potential for noise disturbance and this is considered in greater detail below.

The application is accompanied by a Noise Impact Assessment which has been assessed by the Council’s Environmental Health Officer (EHO). The Assessment concludes that the proposed McDonald’s restaurant and drive-thru facility is viable from a noise perspective, with noise from the operations predicted to meet the local authority criteria for noise and consequently have no adverse noise impact on the closest identified sensitive receptors, ensuring no loss of amenity for neighbouring residents. This has been undertaken on the basis of the proposed 24/7 opening hours.

The Council’s EHO is satisfied with the conclusions of the Assessment subject to a condition requiring that the ‘good practice management measures’ listed at paragraph 7.8 of the Assessment are required by condition. The aim of the measures is to limit extraneous activity and noise generated in the restaurant car park late during more noise-sensitive periods. The Assessment also recommends that the hours of deliveries should be restricted to 06.00 and 22.00 as deliveries within this period should have no adverse impact on local receptors.

Subject to the use of the conditions described above, the proposal is compliant with the Framework and Policy 24 of the Core Strategy with regards to amenity.

Litter

A number of the objections received towards this application refer to concerns over litter, including a large number from volunteers of Civic Pride Rossendale who undertake litter picking (amongst gardening and other services) on a voluntary basis across Rossendale.

It has been held in the courts that dropping of litter is a material consideration even though it is also controllable by other legislation. However, in practise, the fact that litter might be dropped by patrons is rarely a determining issue at appeal.

The application is accompanied by a Refuse Storage and Recycling Statement which explains the McDonald's Waste Management Strategy which promotes waste minimisation and the importance of recycling and use of recycled packaging. In relation to the objections concerning the dropping of litter, the Statement explains (paragraph 1.10) that daily litter patrols occur across all McDonald's restaurants and cover a minimum of 150 metre radius from the site. This involves collecting all litter at least three times per day and is not limited to non-McDonald's litter. The Statement explains that this process often involves working with local authorities and local community groups to ensure that the litter needs of the area are properly understood.

The objectors concerns relate primarily to the dropping of litter outside of the site from customers of the drive-thru or taking food away on foot. On this basis officers recommend a planning condition that requires the submission of a regime to include litter picking and provision of bins. Subject to this condition, officers are satisfied the proposal is acceptable with regards to litter.

Access / Parking

Section 4 (paragraph 32) of the Framework states that all development that generate significant amounts of movement should be supported by a Transport Statement. In terms of decision making the following key issues should be considered:

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

The application was accompanied by a Transport Assessment (TA) and drawings to show the proposed access and exit arrangements for the proposed restaurant and drive-thru. The application has been assessed by Lancashire County Council's Highway Engineer who raised no objection subject to minor amendments.

Traffic impact

In terms of traffic impact, LCC Highways have noted that the traffic generated by the development can be accommodated on the network in the opening year but it is noted that in future years there is a concern relating to the over capacity of the gyratory due to committed development. As significant delays on the gyratory will impact on the economy of the district, and in the context of future development, significant investment into the gyratory will be required to increase capacity in line with the Framework.

The mitigation measures that are proposed by the applicant to redress the balance of the gyratory and increase capacity are supported by LCC and there are further measures on the gyratory that are required to connect into and enhance the proposals. The additional works would involve re-working of the lane markings on the gyratory between Bocholt Way and Horn Lane; and minor signal work to re-locate the detector loops, controller and the validation of the signals.

Vehicular access

The Highway Engineer has noted that the provision of a new junction (exit only) onto the A682 Rawtenstall spur road is acceptable in principal and subject to a full detailed design and safety audit under a Section 278 agreement with Lancashire County Council.

A 'No left turn/No Entry' Traffic Regulation Order has should be implemented on the A682 dual carriageway for eastbound vehicles (heading towards the gyratory) to prevent vehicles turning left into the development site. It is also recommended that some directional control measures are installed on the carriageways on both the access points (within the development site) to prohibit this, for example alligator teeth.

No objections are raised in relation to the proposed pedestrian and cyclist access to the site, subject to the footway being widened and additional secure, covered cycle parking being provided. The applicant amended the application drawings according.

The proposed number and arrangement of car parking spaces has been accepted and the servicing arrangements and swept path analysis has been agreed. It will be necessary for McDonalds to limit the duration of stay within the car park to ensure that adequate turnover of spaces is maintained to accommodate the customers. Due to its location, close to the Town Centre, East Lancashire Heritage Railway and Whittaker Park it may attract long stay parking without proper enforcement. This is proposed as part of the proposal.

Section 278 agreements (S278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks).

Off-site highway works

The Highway Engineer has noted that for the development to be acceptable in highway and transport terms, works must be secured through a S278 Agreement and must be agreed with LCC. Briefly the S278 works are to include:

- Carriageway road marking and associated signalling works on the Gyratory between Bocholt Way A681 and Haslingden Road A681.
- Enhanced pedestrian/cycle crossing point Haslingden Road/Gyratory A681
- New priority junction Rawtenstall Spur A682 and widening at Horn Lane/Gyratory
- Traffic Regulation Orders A682 – No Left Turn, No Entry.

The total cost of the works is estimated to be around £50,000. The proposed works were identified to mitigate the impact of the development traffic and they will have benefits for the southern arms of the gyratory, Haslingden Road primarily and also Bury Road and Bocholt Way. No objection is raised to the proposed development subject to the amendments outlined above, which have been completed by the applicant, and mitigation measures (off-site highway works) and the use of planning conditions in Section 10 of this report. For the reasons above officers are now satisfied that the proposal will not result in severe cumulative impacts on the highway network in accordance with the Framework and Core Strategy Policy 8.

Ecology

The applicant has provided an Extended Phase 1 Habitat Survey which has been reviewed by the Council's Ecological advisors, Greater Manchester Ecology Unit (GMEU). They have commented that the survey appears to have been undertaken to an appropriate standard. The site was found to have some ecological value and a number of recommendations for mitigation measures as well as enhancement measures have been made which are set out in sections 5 and 6 of the report. GMEU recommend that these measures should be required by condition with the following change: the main bird breeding season is March to July inclusive rather than March to September.

For the reasons above and subject to the use of conditions, the proposed development is acceptable having regard to biodiversity and ecology in accordance with Framework and Core strategy Policy 18.

Crime

The proposals have been reviewed by the Designing Out Crime Officer at the Lancashire Constabulary who has made the following comments:

In the last 12 month period there have been 41 reported burglaries, 35 criminal damage offences and 33 violent crimes in the area around this site. The most frequent crimes targeting fast food outlets within Lancashire, similar to that proposed are theft, assault and criminal damage. The risk of these crimes affecting the proposals, should they be granted planning permission, can be reduced by considering them within the design.

This development should incorporate the principles of Secured by Design, with particular regard to natural surveillance and reducing crime risks within the development and disorder/nuisance affecting the surrounding community. The recommendations will be secured by planning informative and/ or condition where appropriate.

Drainage

United Utilities have reviewed the proposed drainage arrangements and have no objections. They did comment that a public sewer crosses this site and they may not permit building over it. United Utilities require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. The applicant was made aware of these comments and has shown the 6 metre easement on the submitted drawing. A number of conditions are proposed below in respect of drainage.

Sustainability

McDonald's approach to the environment and sustainability is set out in section 4 of the Planning Statement. In summary it includes, but is not limited to, the following:

- All restaurants undertake preparation of a construction waste plan to monitor water and energy consumption.
- All restaurants have a sophisticated building management system to operate heating, lighting and air conditioning. Low energy LED lights are used in all units.
- Cooking oil from 99% of McDonald's estate is recycled into biodiesel which fuels McDonald's vehicles.

- McDonald's is committed to using recycled materials wherever possible and approximately 89% of their packaging is made from renewable resources.
- All restaurants aim to recycle 100% of corrugated cardboard.

The planning statement also contains details of the Ronald McDonald House Charities which encourages young people to live more active lives, and this includes a strong association with the UK's four Football Associations. The charity also supports families while their children are in hospital or hospice and further details of this can be found in section 5 of the planning statement should Members require more information.

8. RECOMMENDATION

That Committee approve full Planning Permission subject to the conditions below.

9. SUMMARY REASON FOR APPROVAL

The proposed development will bring back into use a large, vacant and previously developed site which occupies a prominent position at a gateway location within the Urban Boundary of Rawtenstall. The site lies adjacent to the Rawtenstall Town Centre Conservation Area and 100m to the west of the Rawtenstall Town Centre boundary. It is also within the setting of the Grade II listed building St Mary's Chambers. The proposed development is acceptable in principle and, subject to the use of planning conditions, is acceptable with regards to design, residential amenity, highway safety, landscaping and flood risk. The development is in accordance with Policies AVP4, 1, 6, 8, 9, 11, 16, 17, 18, 19, 22, 23 and 24 of the adopted Core Strategy DPD and the NPPF.

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Proposed Site Plan	4438 AEW 8122 0004 Rev K	14/06/16
Proposed Building Elevations	4438 AEW 8122 0005 Rev G	14/06/16
Proposed Internal Layout	4438 AEW 8122 0006 Rev C	14/06/16
Block Plan	4438 AEW 8122 0002 Rev H	14/06/16

Reason: To define the permission and in the interests of the proper development of the site

Contaminated Land

3. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and

Prior to first occupation of the development hereby permitted a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the Local Planning Authority.

If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA.

Reason: To safeguard the health of future occupants of the land in the interests of public health and to safeguard watercourses.

Materials

4. Notwithstanding submitted details, the development shall be carried out in accordance with the following materials:
 - All patio furniture, fence panels, and lamp heads shown as galvanised shall be painted black
 - External elevations in Fletcher Bank natural stone
 - Aluminium window frames in RAL 7022

- Corral and its doors in Rockpanel Large Format Sections in RAL 7039
- Roof in Restrix (black felt)
- Dark grey engineering brick
- Marley Eternit Equitone panel

Reason: To ensure that the development will be of a satisfactory appearance.

5. Prior to commencement of development a sample of the Reynobond cladding material in colours Frisco White, Traffic White and Oyster White shall be submitted to the Local Planning Authority for consideration. The Local Planning Authority shall approve in writing the most appropriate colour and the development shall be carried out in accordance with that detail.

Reason: To ensure that the development will be of a satisfactory appearance.

Noise

6. No deliveries shall be taken at or despatched from the site outside the hours of 06:00 to 22:00 Monday to Sunday.

Reason: To protect the residential amenity of neighbouring properties.

7. The 'good practice management measures' set out in the Noise Impact Assessment by Loven Acoustics (paragraph 7.8) shall be implemented in full and adhered to throughout the duration of the development.

Reason: To protect the residential amenity of neighbouring properties.

Highways

8. No part of the development hereby approved shall commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety and residential amenity.

9. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The site access and off-site works shall thereafter be completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

10. No part of the development hereby approved shall commence until a scheme for the retaining structure adjacent to the highway has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The retaining structure shall thereafter be completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

11. No part of the development hereby approved shall commence until details have been submitted to and approved in writing by the Local Planning Authority for a surface water drainage scheme. The surface water drainage scheme shall thereafter be completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reason: In the interests of highway safety and drainage.

12. No part of the development hereby approved shall be occupied or opened for trading until the car park is surfaced or paved in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority and the parking spaces (car and motorbike), servicing layby and manoeuvring areas marked out in accordance with the approved plan.

Reason: To allow for the effective use of the parking areas.

13. No part of the development hereby approved shall be occupied or opened for trading until the cycling facilities are provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

Draining and flood risk

14. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 5 litres per second per hectare. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the development hereby approved opening for trading. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, and to ensure that water quality is not detrimentally impacted by the development proposal.

15. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, **and** to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

16. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Litter

17. Prior to opening, a regime to include, but not limited to, the management of litter picking and provision of waste bins in suitable locations close to pedestrian access and egress points, shall be submitted to and approved in writing by the Local Planning Authority. The approved regime shall be adhered to throughout the duration of the development.

Reason: In the interests of the character and appearance of the area.

Ecology and landscaping

18. The biodiversity enhancement measures and mitigation measures listed in Sections 5 and 6 of the submitted Extended Phase 1 Habitat Survey Report by Practical Ecology Ltd shall be implemented in full (subject to the revision that the main bird breeding season is March to July inclusive rather than March to September) prior to first use of the development hereby approved. Thereafter the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the adequate provision of biodiversity enhancement measures.

19. Prior to commencement of development a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include: fencing type, ground protection measures, access facilitation, pruning specification, phasing and an extensive auditable monitoring schedule. The development thereafter shall be carried out in accordance with the approved scheme.

Reason: To ensure the adequate protection of trees on site.

20. Prior to the commencement of construction and immediately after the completion of the necessary tree surgery and felling work, protective fencing will be erected on site. This must include any ground protection if necessary and be in full accordance with the requirements of BS 5837:2012 and positioned as shown on the Preliminary Arboricultural Impact Assessment & Tree Protection drawing appended to the submitted Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan Rev B. Full details of fencing will be supplied by Hayden's Arboricultural Consultants in the detailed Arboricultural Method Statement & Tree Protection Plan as required by the previous condition.

Reason: To ensure the adequate protection of trees on site.

21. Notwithstanding the submitted details, prior to commencement of development a revised Landscaping Plan to include the following: 1) details of number, species and spacing of

planting within the green screen, and 2) details of proposed hedge to be planted to the south of T2 / south west of Captain Fold, shall be submitted to and approved in writing by the Local Planning Authority.

During the first planting season following the commencement of development hereby approved the revised Landscaping Plan shall then be carried out to the satisfaction of the Local Planning Authority. Any trees, plants or shrubs so planted which die or are felled, uprooted, wilfully damaged or destroyed within five years of the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality.

11. **INFORMATIVES**

1. For the avoidance of doubt, this response does not grant the applicant permission to connect to the culverted ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

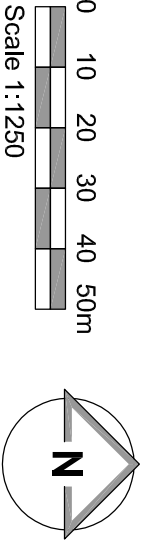
The applicant should obtain Land Drainage Consent from Lancashire County Council **before** starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

2. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

3. **PLEASE NOTE** the following suggested measures to reduce the risk of crime:
 - External doors should be certified to PAS 24:2012 (minimum) security standard to reduce the risk of intruder access.
 - Glazing in windows and doors should be 6.8mm laminated with any opening lights being fitted with restrictors.
 - External lighting should be installed at all external doors to promote natural surveillance and deter criminal or anti-social behaviour.
 - An intruder alarm system should be installed which is linked to an Alarm Receiving Centre for police deployment on a confirmed activation.
 - Internal doors leading to staff only areas should have access control measures installed to reduce the risk of sneak in burglaries and also to delay movement around the building should intruder access be gained.
 - The DAS refers to CCTV coverage of some external areas. Fast food restaurants often attract groups of youths and frequent incidents of

problematic behaviour are reported to the police. Comprehensive coverage of internal and external areas will help to deter these problems and also provide evidence of behaviour and identity should an incident arise. This data should be stored for a 30 day period before being destroyed if not required. Further advice is available if required.



LOCATION PLAN
Scale @ 1:1250

NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- The drawing shall not be scaled to ascertain any dimensions. Work to figure dimensions only.
- The drawing shall not be reproduced without express written permission from AEW.
- Title overlay, zoning and ownership boundaries are produced using all reasonable endeavours. AEW cannot be held responsible for errors or scale discrepancy of data files supplied to them.
- All work is to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturer's recommendations.
- Drawing based on OS Polkadog and Clam Hill's Site Survey drawing no. MCB811145/102 revision A (dated November 2014).
- Scale for planning purposes only.
- Eminent of McDonald's Demise Indicated:
- Application Boundary Indicated:

B	16/11/2015	EG	JC
APPLICATION BOUNDARY AMENDED TO INCLUDE ALL HIGHWAYS WORKS AND T.N.O. TREE REFERRING TO DRAWING NO. 2866-008.			
A	14/10/2015	RC	ECH
APPLICATION BOUNDARY REVISED TO SUIT LAND REGISTRY PLAN TITLE PLAN LANS7426.			
REV.	Date	Drawn by:-	Checked by:-

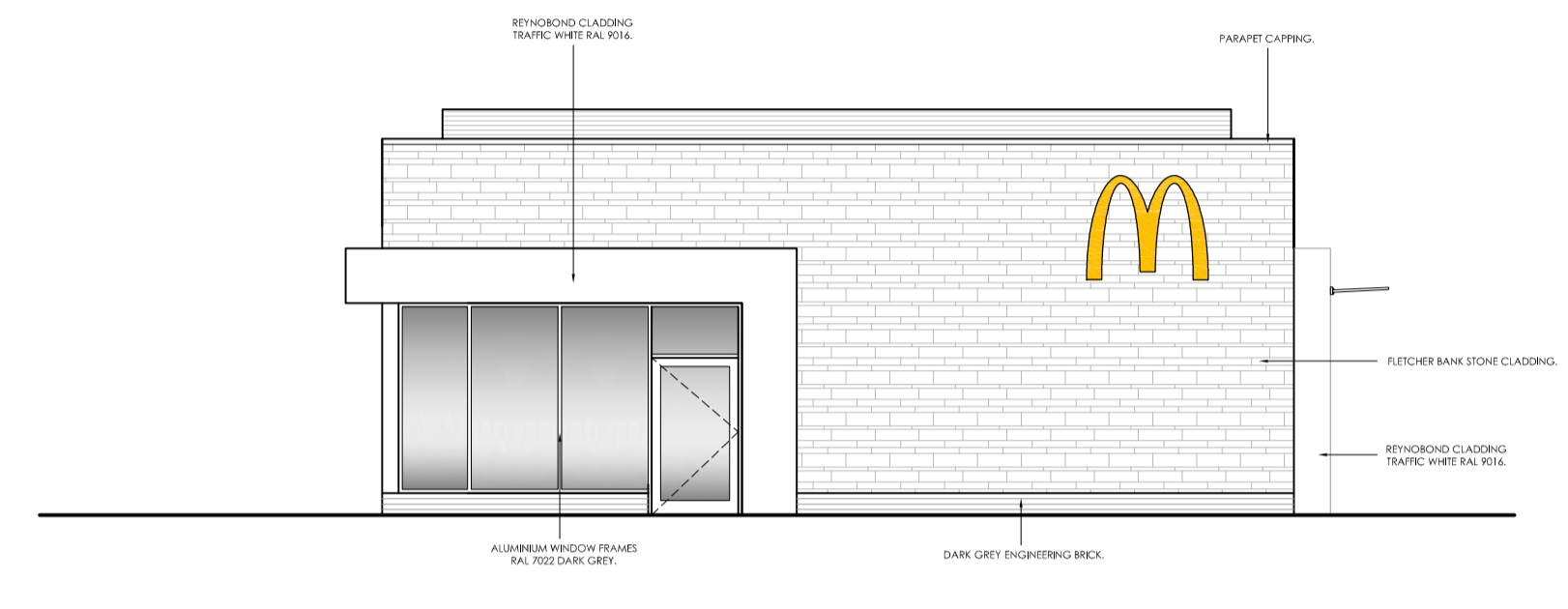
Status: **S2**
 Purpose of Issue: **For Information**
 drawing stage: **PLANNING**

client	McDonald's Restaurants Ltd
project	8122
drawing title	LOCATION PLAN

date	24/10/2014	drawn	RC
scale/rev	1:1250	checked	JMC

Job No. 4438_AEW_8122_0001 Rev

- NOTES**
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 - This drawing shall not be reproduced without express written permission from AEW.
 - Title overlay drawings and ownership boundaries are produced using all reasonable endeavours. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
 - All works are to be undertaken in accordance with Building Regulations and the latest BSI Standards.
 - All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.
 - Scale for planning purposes only.
 - Elevations based on SCURRS ARCHITECTS SO140 BUILDING MODEL, FUTURE VALUE ENGINEERED BUILDING 2016 (FVEB 2016).

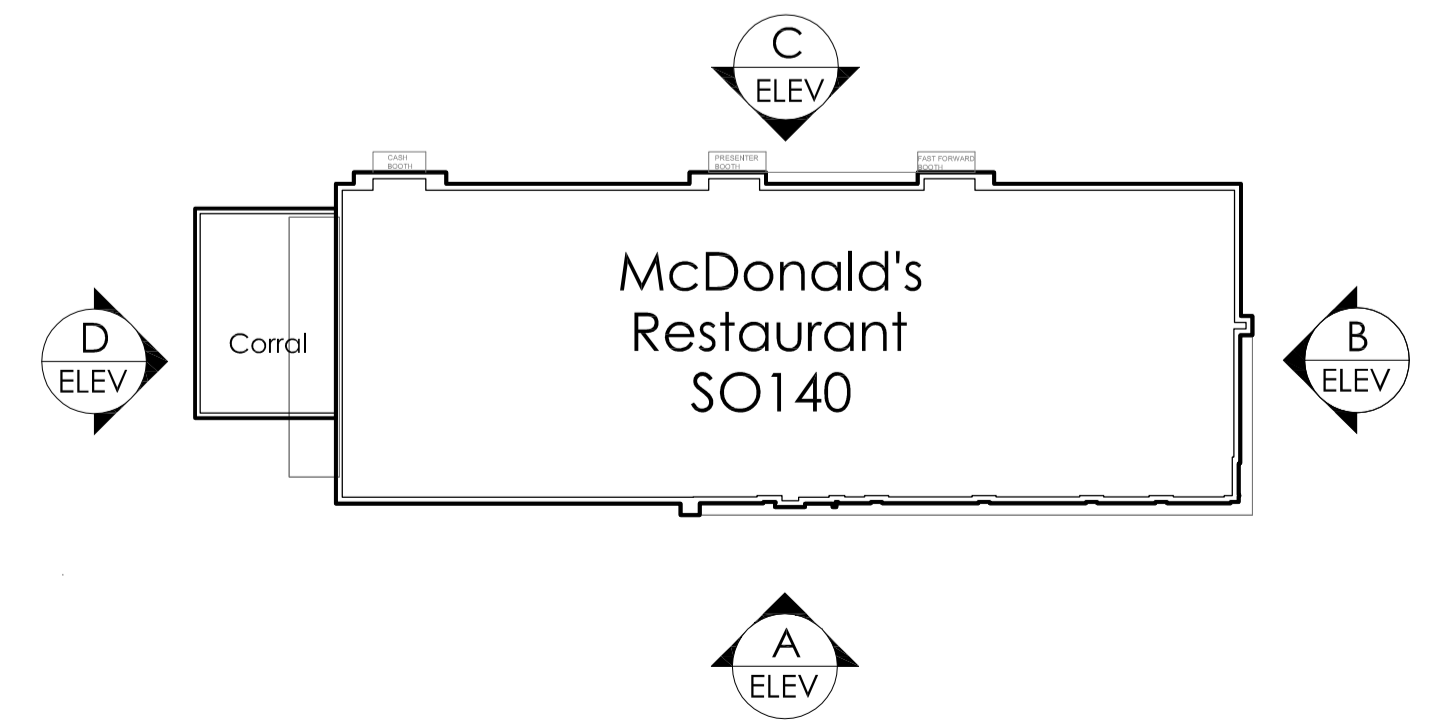


ELEVATION A

ELEVATION B

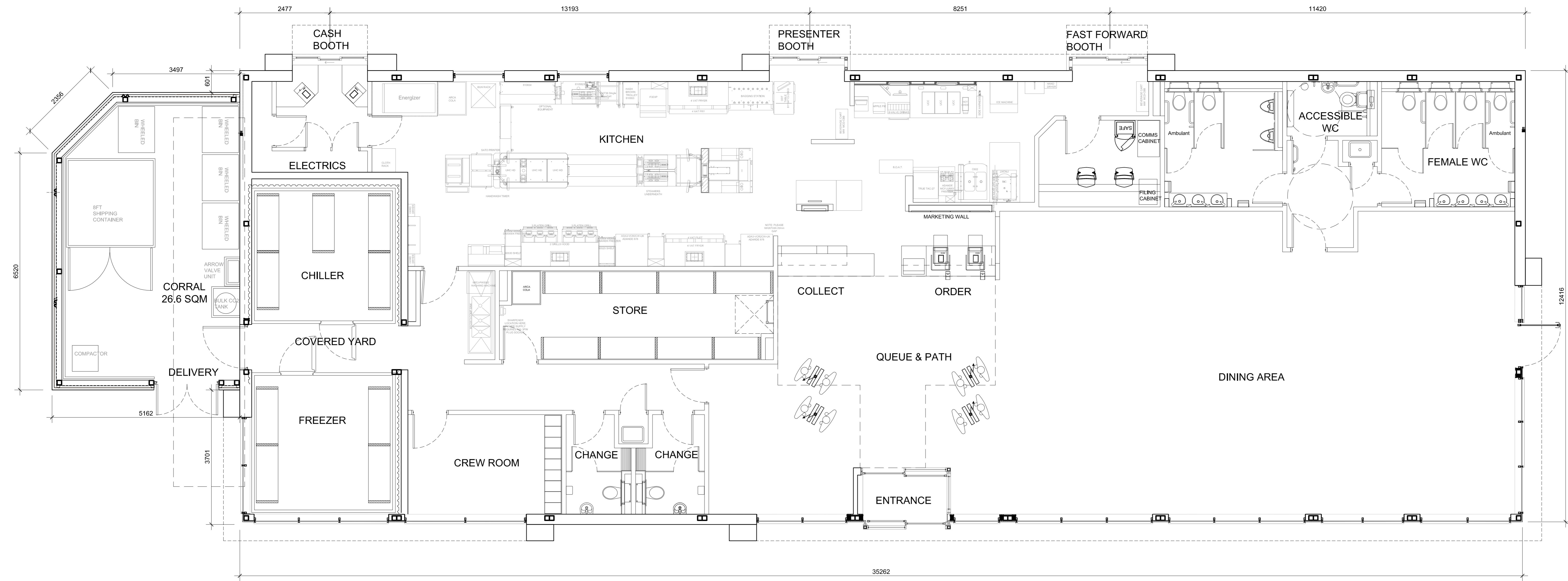
ELEVATION C

ELEVATION D



G	09.06.2016	JC	JC
Corral reduced. Additional Glazing on building indicated.			
F	26.05.2016	EG	JC
Materiality revised to Equitone Cement Board for contrast. Corral materiality updated to Rockpanel.			
E	26.05.2016	EG	JC
Materiality revised from trespas to fletcher bank stone cladding. Updated to show parapet capping. Refer to email for comments, dated 25.05.2016.			
D	24.05.2016	EG	JC
SO140 model updated to SCURRS Drawing (FVEB 2016).			
C	12/10/2015	EG	JC
Louvre folded roof replacing 4 no. solid folded roofs.			
B	14/09/2015	EG	JC
All materials revised.			
A	22/04/2015	RC	JC
Updated to suit June 2015 Scum Building Elevations.			
REV	Date	Drawn by:-	Checked by:-
Status	Purpose of Issue		
S2	For Information		
drawing stage	PLANNING		
client	McDonald's Restaurants Ltd		
project	store		
	Rawtenstall	8122	
drawing title	PROPOSED BUILDING ELEVATIONS		
date	24/10/14	drawn	RC
scale@A1	1:100	checked	JWC

- NOTES**
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 - The drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
 - The drawing shall not be reproduced without express written permission from AEW.
 - The existing drawing and ownership boundaries are shown for all accessible equipment. AEW cannot be responsible for the accuracy or scale discrepancy of those items located to them.
 - All works are to be undertaken in accordance with Building Regulations and the British Standards.
 - All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.
 - Scale for planning purposes only.
 - Overall colour based on SCURS ARCHITECTS SO140 BUILDING MODEL, FIGURE VALUE ENGINEERED BUILDING 2014 (FVBE 2014).



C	09/04/2016	JC	JC	Corral reduced. Additional Cladding on building indicated.
B	24/05/2016	EG	JC	SO140 model updated to SCURS Drawing (FVBE 2014).
A	22/06/2015	RC	JC	Updated to full June 2015 Scurs Building Plans.
REV	Date	Drawn by:	Checked by:	
Status	Purpose of Issue			
S2	For Information			
drawing stage	PLANNING			
client	McDonald's Restaurants Ltd			
project	store	8122		
drawing title	PROPOSED INTERNAL LAYOUT			
date	24/10/14	drawn	RC	
scale/RA2	1:50	checked	JWC	

Proposed - Illustrative Only



Proposed - Illustrative Only

