

**MCDONALDS RESTAURANT PORTSMOUTH ROAD PORTSMOUTH PO6 2SW**

**EXTERNAL ALTERATIONS TO INCLUDE EXTENSION OF DINING AREA AND INSTALLATION OF 'FAST FORWARD' BOOTH; EXTENSION TO ROOF LINE; REPLACEMENT GLAZING, CLADDING AND NEW ACCESS DOOR; RECONFIGURATION OF DRIVE-THRU LANE, PATIO, KERB LINES AND PARKING BAYS; RELOCATION AND EXTENSION OF CYCLE RACKS, AND ASSOCIATED WORKS**

**Application Submitted By:**

Mrs Sarah Carpenter  
Planware Limited

**On behalf of:**

Other .  
McDonald's Restaurants Limited

**RDD:** 1st July 2022

**LDD:** 29th August 2022

<https://publicaccess.portsmouth.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=READKCMOKO700>

## **1.0 SUMMARY OF MAIN ISSUES**

1.1 This application is brought before Planning Committee due to three objections from local residents.

1.2 The determining issue for the application is whether this is sustainable development, having regard to

- whether the proposal would be acceptable in design terms,
- highway implications,
- the amenity of adjoining occupiers.
- Contaminated Land Issues

1.3 Members should note that a concurrent application for Advertisement Consent has been submitted, for alterations of the internally illuminated signage around the building. This is a subject of a separate application and is not under consideration today.

## **2.0 SITE AND SURROUNDINGS**

2.1 The application site covers 0.33ha. It is a triangular shaped parcel of land, with an existing restaurant/takeaway with drive through facilities and car park. It is separated from the highway with grass verges and low hedges. There are high fences separating the site from houses to the East on Donaldson Road. The access to the highway is to the North of the site onto Portsmouth Road.



2.2 The site is located near the large Portsbridge Roundabout and flyover, which is a main route onto Portsea Island. The immediate area is characterised by larger commercial plots such as a public house and petrol station to the North, a park and open space to West and South, and is predominantly residential to the East.



2.3 The closest residential property is located around 30 metres to the East of the existing restaurant - no. 48 Donaldson Road is sideways on to the site. Other Donaldson Road houses back on to the application site.

### **3.0 PROPOSAL**

3.1 Planning permission is sought for various external alterations including, principally:

- \* the extension of the dining area;
- \* an extension of the roofline;
- \* the installation of a 'fast forward' booth and lane;
- \* cladding and glazing alterations.

#### **Extensions:**

The building would have two extensions of limited depth to the dining area, 0.75m to the north-east and around 1m to south-east elevations, shaded in green on the plans below. While they extend the footprint of the building slightly (by around 34sqm), concurrent internal reconfiguration of the dining area and back-of-house areas reduces the total public dining space, from approximately 110sqm currently, to a proposed 93sqm.

#### **Roofline:**

The roofline is largely the same as existing but extends the roof over the proposed extensions. The roof form remains a shallow mansard with canopies/overhang and the proposed alterations do not change the overall appearance of the building.

#### **'Fast forward' booth and lane:**

The proposal seeks to reconfigure the layout of the site by altering the drive through lane and parking spaces with associated works to the kerbs, patio area and verges, also relocating cycle parking. The principal element to assist in car movement through the site is the addition of the new passing lane, to reduce the occurrence of blockages, with corresponding minor extension to the building on the north-west elevation (approximately 0.75m by 9m).

#### **Cladding and glazing alterations:**

The proposal is to be finished externally with dark grey aluminium cladding, existing soffits and fascia are to be replaced and finished in dark green and the shopfront is to be glazing to match the existing with some new decals on the Western elevation.

#### **Loss of Tree:**

An unprotected tree is to be removed to facilitate the new lane. A replacement tree elsewhere on site can be secured through a condition requiring the location, type and size to be agreed and planted in the next planting season.

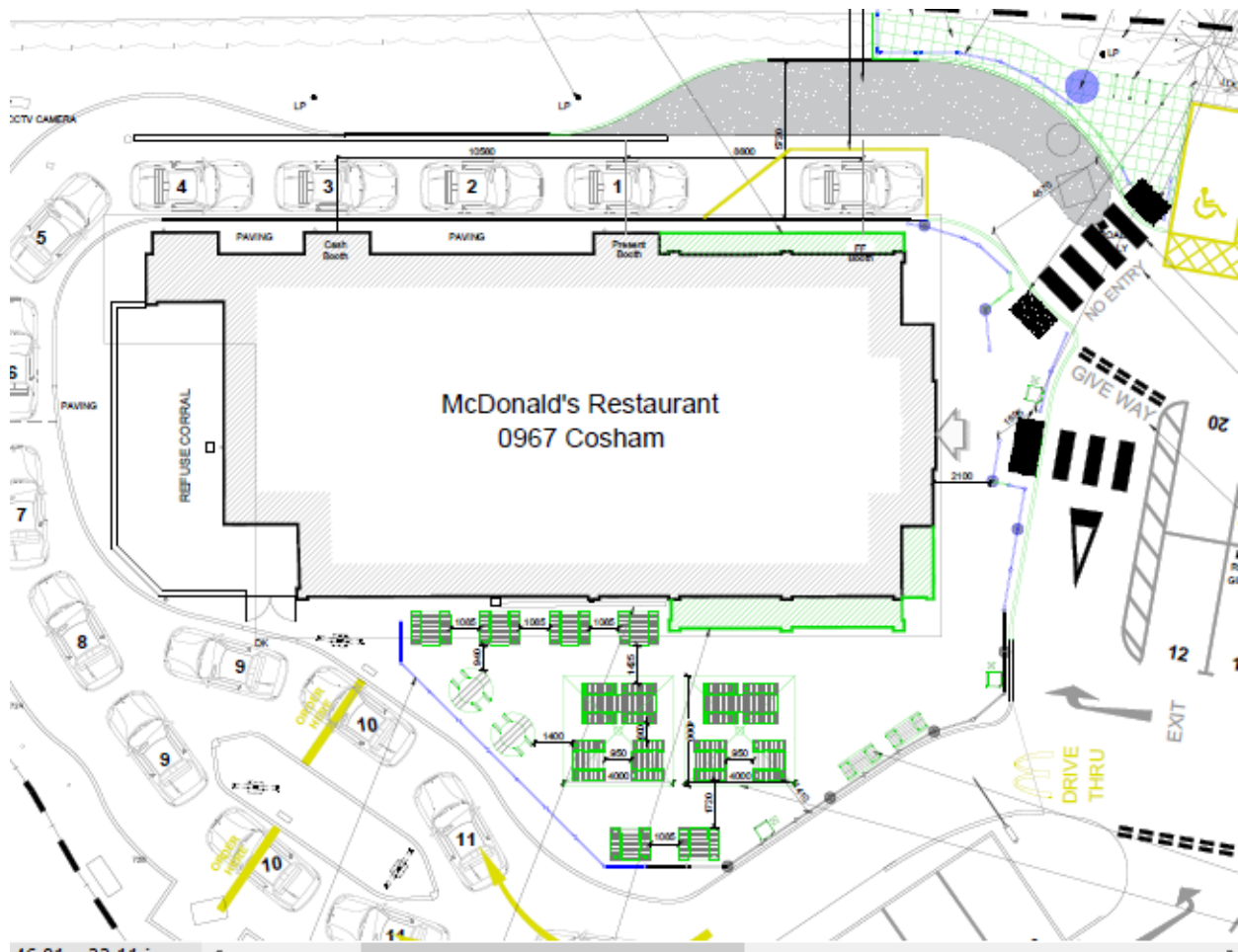


Figure 1: Proposed Site Plan

#### 4.0 PLANNING HISTORY

4.1 The original McDonald's building was granted permission at appeal in 1998 (ref: A\*30888/AG) and various alterations such as extension of the drive through and reconfiguration have been granted permission since. The opening hours of 7:00-23:00 are controlled through a condition as are the delivery times of 10:00-20:00. These times are not proposed to change as part of this application.

#### 5.0 POLICY CONTEXT

5.1 The relevant policies within The Portsmouth Plan would include: PCS17 (Transport), PCS23 (Design and Conservation), and saved policy DC21 (site contamination) of the Portsmouth City Local Plan.

5.2 The revised National Planning Policy Framework (July 2021) and the following relevant Supplementary Planning Documents would also be material to this application:

- The Parking Standards and Transport Assessments SPD

#### 6.0 CONSULTATIONS

6.1 Highways Engineer - no objection.

"Given the small scale of the development, I am satisfied that the proposal would not have a material impact on the local highway network with any extended queuing likely to be retained within the application site.

Whilst the application relocates the existing 4 cycle spaces to the north of the site, the submitted plans only identify 3 relocated spaces and the additional cycle space should be provided. Whilst the application proposes the reduction in parking by one space, I am satisfied that this is intended to better meet the existing demand rather than be likely to attract significant additional parking demand beyond which is already associated with the current use. In light of the above, subject to the additional cycle space provide\*, I would not wish to raise an objection on highway grounds."

\* Members will note from the proposed plans that the 4 required cycle parking spaces have since been supplied.

## 6.2 Contaminated Land Team

CLT note previous land uses that may include petroleum tanks and landfill and therefore request extensive conditions. The applicant submitted revised drawings to minimise the need for these conditions but CLT are not satisfied that the amendments to the scheme reduce the risk and therefore their position is unchanged.

## 7.0 REPRESENTATIONS

7.1 Three objection comments have been received which can be summarised as:

- That there is too much noise and light from customers with cars
- That the restaurant is too busy due to delivery drivers and not enough space for customers
- This will increase footfall and therefore more traffic will affect the highway
- Increased air pollution due to drive through
- Light pollution due to adverts (subject of separate application)

7.2 One general support comment was received.

## 8.0 COMMENT

8.1 The determining issue for the application is whether this is sustainable development, having regard to

- whether the proposal would be acceptable in design terms,
- highway implications,
- the amenity of adjoining occupiers.
- Contaminated Land Issues

### Design

8.2 There is no real design language in the immediate area as it mostly characterised by larger commercial units typical to this type of area. The design of the alterations to the building itself are considered to be minor in nature and in keeping with the existing building. It is considered that the use of materials similar to that of the existing is acceptable and the reconfiguration of the external layout, while losing some of the space between the building and boundary to accommodate the new passing lane but is not visually harmful.

### Highways

8.3 Highways do not object to the scheme as they do not consider that the alterations are likely to cause any highways implications. The proposed fast forward extra lane is designed to reduce the likelihood of on-site congestion, to the benefit of local air quality, and possibly local highway conditions.

## Amenity

8.4 While the concerns around the effect on the nearby houses through increased levels of usage of the drive anticipated by some neighbours through are noted, this scheme is not considered likely to result in a perceivable material increase in intensity of use. In fact, through the installation of features to allow customers to pass each other instead of waiting for longer and the improved facilities, it is likely that customers will spend less time at the site and therefore there is more likely to be a positive impact.

8.5 There is no proposed change to hours of operation or delivery times etc. so there is to be no material change to those issues.

8.6 The minor alteration to the roof would have no material effect on local character or residential amenity, and the cladding and glazing alterations are also limited and acceptable in effect. The positioning and levels of luminance of the altered advertisements is to be considered separately to this application.

## Other Matters

### Community Infrastructure Levy (CIL)

8.7 The development is not considered to be CIL liable as the increase in internal floor space does not equate to more than 100msq.

### Human Rights and the Public Sector Equality Duty ("PSED")

8.8 The Council is required by the Human Rights Act 1998 to act in a way that is compatible with the European Convention on Human Rights. Virtually all planning applications engage the right to the enjoyment of property and the right to a fair hearing. Indeed, many applications engage the right to respect for private and family life where residential property is affected. Other convention rights may also be engaged. It is important to note that many convention rights are qualified rights, meaning that they are not absolute rights and must be balanced against competing interests as permitted by law. This report seeks such a balance.

8.9 Under section 149 of the Equality Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment, or victimisation of persons by reason of their protected characteristics. Further the Council must advance equality of opportunity and foster good relation between those who share a relevant protected characteristic and those who do not. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Having had due regard to the public sector equality duty as it applies to those with protected characteristics in the context of this application, it is not considered that the officer's recommendation would breach the Council's obligations under the Equality Act 2010

## **9.0 CONCLUSIONS**

9.1 Having regard to all material planning considerations including consultation responses it is concluded that the proposal represents sustainable development, in accordance with the relevant policies of the Portsmouth Plan (2012) and the aims and objectives of the National Planning Policy Framework (NPPF) (2021) and therefore it is recommended that permission be granted subject to the following conditions:



## **Conditions/reasons for the conditions are:**

### **Time limit**

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Approved plans**

2) Unless otherwise agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers:

P21-50-0967-06-C  
P21-50-0967-300-D  
P21-50-0967-03-C  
P21-50-0967-05-B

Reason: To ensure the development is implemented in accordance with the permission granted.

### **Site contamination/remediation**

3) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority (or within such extended period as may be agreed with the Local Planning Authority) the following in sequential order:

a) A desk study (undertaken following best practice including BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites Code of Practice') documenting all the previous and current land uses of the site. The report shall contain a conceptual model (diagram, plan, and network diagram) showing the potential contaminant linkages (including consideration of asbestos), including proposals for site investigation if required with the sampling rationale for all proposed sample locations and depths being shown in the conceptual model (Phase 1 report).

b) A Phase 2 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the conceptual model in the desk study (to be undertaken in accordance with BS10175:2011+A2:2017 and BS8576:2013 'Guidance on investigations for ground gas - Permanent gases and volatile organic compounds (VOCs)'). The report shall refine the conceptual model of the site and confirm either that the site is currently suitable for the proposed end-use or can be made so by remediation (Phase 2' report).

c) A remediation method statement report detailing the remedial scheme and measures to be undertaken to avoid risk from contaminants and/or gases when the development hereby authorised is completed, including proposals for future maintenance and monitoring, as necessary (Phase 3 report). If identified risks relate to bulk gases, this will require the submission of the design report, installation brief, and validation plan as detailed in BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and have consideration of CIRIA 735 Good practice on the testing and verification of protection systems for buildings against hazardous ground gases. The remedial options appraisal shall have due consideration of sustainability as detailed in ISO 18504:2017 Soil quality — Sustainable remediation. It shall include the nomination of a competent person

to oversee the implementation of the remedial scheme and detail how the remedial measures will be verified on completion.

Prior to Occupation

(ii) The development hereby permitted shall not be first occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a stand-alone verification report by the competent person approved pursuant to condition (i)c above. The report shall demonstrate that the remedial scheme has been implemented fully in accordance with the remediation method statement. For the verification of gas protection schemes the applicant should follow the agreed validation plan.

Thereafter the remedial scheme shall be maintained in accordance with the details approved under conditions (i)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved Policy DC21 of the Portsmouth City Local Plan (2006).

### **Tree Replacement**

4) The tree removed as part of the scheme shall be replaced with an appropriate specimen to be agreed in writing with the Local Authority, in a location elsewhere on the site to be agreed in writing with the Local Authority within the first planting season after the felling of the existing tree.

Reason: In the interests of visual amenity in line with PCS23 of the Portsmouth Plan (2012) and to prevent the net loss of green infrastructure in line with Policy PCS13 of the Portsmouth Plan (2012).