

Report

Report to:	Planning Committee
Date of Meeting:	12 December 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/23/0507
Proposal:	Erection of drive-through restaurant (Class 3/Sui Generis) with associated access, servicing, car parking, landscaping and other associated work
Site Address:	Land 70m South of 28 Beck Avenue Borland Drive Larkhall
Applicant:	McDonald's Restaurants Limited
Agent:	Lichfields
Ward:	20 - Larkhall
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours, Bad Neighbour and Development Contrary to the Development Plan: Lanark Gazette 18 May 2023
Development Plan Compliance:	No
Departures:	Contrary to Policy 27 of National Planning Framework 4
Recommendation:	Refuse
Legal Agreement:	Not required
Direction to Scottish Ministers	Not required

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee within the context of Section 5.2 of the approved Planning Application Decision Making Process (2015).

2. Site Description

- 2.1. The application site extends to 0.5ha and is located 1.6km to the south of Larkhall town centre, at the junction of Borland Drive and Carlisle Road (B7078). The site is currently vacant, comprising hardstanding, grass, scrub, and semi-mature trees and was previously occupied by the Sefton Park Care Home.
- 2.2. The site is bounded to the south by the Lidl retail store and associated parking, to the east by the Strutherhill Industrial Estate, to the north by a residential development currently under construction, and to the west by Carlisle Road. Beyond Carlisle Road is the Strutherhill residential area.
- 2.3. The site is accessed from Carlisle Road via an existing access, Borland Drive, which also serves as an access to the new residential development under construction.

3. Description of Proposed Development

- 3.1. The applicant seeks planning permission for a McDonald's restaurant and drive-through with associated parking and landscaping. The proposed restaurant, 377m² in area, reflects the standard design for McDonald's outlets – it will be a single storey flat roof building, externally finished in grey brick and cladding, with a mixture of colour schemes and branded finishes.
- 3.2. The restaurant building and curtilage will incorporate canopies and a patio with outdoor seating and play area. Drive-through customers will be directed to an in/out drive-through lane which runs round the west and south sides of the building.
- 3.3. Internally the restaurant indicates seating for 79 customers (no detailed seating layout has been provided), kitchens, toilets, store, freezer, chiller, and a corral for deliveries. Extractor fans, ventilation vents and condensers will all be located in a plant enclosure on the roof, hidden behind a 2.3m high parapet.
- 3.4. In addition to the 40 parking spaces, there will be 4 electrical charging spaces, 8 cycling spaces, 5 motorcycle bays, two accessible spaces and two reserve bays beside the drive-through lane.
- 3.5. Existing trees along the northern boundary will be retained and a native hedgerow and trees will be established along the eastern boundary to replace a group of overgrown conifers. Elsewhere around the periphery, landscaping will feature amenity grassland with a wildflower mix and spring bulbs, shrub beds and specimen tree planting. Under the canopy of retained trees, existing grass will be enhanced with a shade tolerant grass and wildflower mix.
- 3.6. Vehicular access to the site, for both the car park and drive-through, will utilise the former care home access onto Borland Drive just before it joins Strutherhill Road (the B7078). The application site does not extend to include the surrounding road network which cannot therefore be controlled through this application.

4. Relevant Planning History

- 4.1. Planning Permission in Principle (Ref. HM/15/0422) for a commercial development incorporating supermarket and pub/restaurant with associated access and car park was granted in November 2016 on an area covering the current application site and

the adjacent Lidl retail store. On the approved plans the indicative position of the pub / restaurant was shown to be within the current planning application site.

5. Supporting Information

5.1. In support of the planning application, the applicant has submitted the following information:-

- ◆ Air Quality Assessment
- ◆ Construction Environmental Management Plan
- ◆ Coal Mining Risk Assessment
- ◆ Drainage Maintenance Plan
- ◆ Ecological Appraisal
- ◆ Economic Statement
- ◆ Flood Risk Screening and Drainage Assessment
- ◆ Landscape Maintenance
- ◆ Lighting Impact Assessment
- ◆ Low Zero Carbon Report
- ◆ Noise Assessment
- ◆ Odour Assessment
- ◆ Planning Statement
- ◆ Pre-Application Consultation Report
- ◆ Site Investigation and Risk Assessment
- ◆ Transport Assessment
- ◆ Travel Plan
- ◆ Tree Survey
- ◆ Vertical Light Spill Report
- ◆ Response Statement to Scottish Water/NPF4/objections and sustainability issues

6. Consultations

6.1. Roads and Transportation Services – They advise that there are no means of controlling parking on Borland Drive at present and state that this is likely to pose an issue for other road users.

Response: As Borland Drive is outwith the control of the both the Council and the applicant, and outwith the application site, appropriate traffic restrictions cannot be imposed. The impact of this development has the potential to cause issues for other road users.

6.2. Environmental Services – No objection subject to a condition restricting the hours of deliveries and informatives regarding commercial premises, nuisance, construction noise, pest control and contamination.

Response: Noted.

6.3. Scottish Water – No objection.

Response: The proposed buildings will be set away from the existing surface water and foul sewers. There is no combined sewer. Surface water will be directed into a surface water pipe which is separate from the foul water sewer.

6.4. The Coal Authority – No objection subject to conditions regarding a site investigation to establish coal mining legacy issues and to remediate any issues thus identified prior to the commencement of works on site.

Response: Noted.

- 6.5. Larkhall Community Council – Highlight that the traffic entry via Borland Drive is off an unregulated junction from (Carlisle Road) the B7078. Carlisle Road can become extremely busy at certain times (and worse if anything happens on the M74 or at either the Larkhall or Canderside junctions) and a review of this junction / access should be undertaken to avoid traffic backing up through the development onto Carlisle Road.
Response: A Transport Assessment has been submitted. However, as noted above, with no scope to implement a scheme of traffic restrictions on Borland Drive as part of this permission, there is no way to resolve potential issues of overspill parking or waiting on Borland Drive that will likely result from this development.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement for non-notification of neighbours and Bad Neighbour Development in the local press, a total of 244 support letters, 45 objections and one neutral representation have been received. The issues raised are summarised as follows:-

7.2. Objections:-

Design and Layout

- ◆ Built too close to existing houses and those under construction at Borland Drive.
- ◆ Does not reinforce the character of area and detrimentally impacts upon adjacent property.
- ◆ Overshadowing and overlooking of adjacent property.

Land Use Planning Concerns

- ◆ The site would be better located nearer the motorway so that the McDonald's traffic does not disturb neighbouring residential areas.
- ◆ It was understood that the land was going to be a normal restaurant, not a drive-through since Larkhall needs healthy alternatives.

Sustainability

- ◆ The argument for the restaurant reducing traffic to Hamilton is weakened by putting a McDonald's in a location necessitating single vehicle journeys. It is not near other shops within a retail/town centre where shopping and restaurant visits can be combined in one vehicle journey.
- ◆ A standard restaurant would attract much less traffic as customers take time to sit inside and eat.

Impact on Natural and Historic Environment

- ◆ Proposal will detrimentally impact upon wildlife.

Roads Related Matters

- ◆ Proposal will generate traffic, impacting detrimentally on the wider road network.
- ◆ The submitted information on trip generation has been underestimated.
- ◆ Lack of adequate parking.
- ◆ Drive-through lanes not large enough to accommodate traffic at peak times.
- ◆ Loading and servicing vehicles will impact upon traffic movement.
- ◆ Borland Drive is in a poor state of repair for the levels of traffic proposed.

Other Matters Raised

- ◆ Detrimental impact upon amenity from litter, odours, anti-social behaviour and vermin.
- ◆ Noise – 24 hour opening is inappropriate and increased noise levels will impact upon amenity.
- ◆ Detrimental impact upon air quality.
- ◆ New developments should be focused on the town's health and wellbeing and promote healthy living.
- ◆ Locating this use in proximity to local primary schools is detrimental to health.
- ◆ Employment of non-skilled workers and mostly part time jobs will be created rather than full time.
- ◆ Larkhall does not need more fast-food outlets. This proposal will detrimentally impact existing businesses.
- ◆ The applicant has generated support through a Facebook campaign, not from local residents.

7.3. Support:-

Economy

- ◆ Proposal will create jobs both during construction and operational phases of development.
- ◆ Increased investment in the area will generate additional business rates.
- ◆ McDonald's would boost the recovery of the town and attract more visitors to our area.

Sustainability

- ◆ Drive-through will save fuel, time and money.
- ◆ Having better restaurants and amenities encourages people to stay in villages rather than moving to bigger towns and cities.

Other Matters Raised

- ◆ Provides a range of affordable food.
- ◆ Will be a better use than the current vacant land.
- ◆ The applicant has chosen a location far from most schools.
- ◆ Applicant is a sustainable developer that is conscious of its impact on the community.
- ◆ Restaurant would provide a safe and comfortable place for families and friends to enjoy a meal together.
- ◆ Drive-through would offer a convenient and efficient service for customers on the go, with a drive-through lane, mobile ordering and delivery option.

- 7.4. The above issues are considered in the assessment below. These letters have been copied and are available for inspection on the planning portal.

8 Development Plan

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 9 - Brownfield, vacant and derelict land and empty buildings
- ◆ Policy 13 - Sustainable transport
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local living and 20 minute neighbourhoods
- ◆ Policy 27 - City, town, local and commercial centres

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 10 - New Retail/Commercial Proposals
- ◆ Policy 15 - Travel and Transport

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design
- ◆ Policy SDCC4 - Sustainable Transport

9. Guidance

- 9.1. Chief Planners letter dated 8 February 2023 setting out Transitional Arrangements for NPF4 which specifically addresses the application of Policy 27(d).

10. Assessment and Discussion

10.1. Principle of Development

When considering whether the proposal is acceptable in land-use planning terms, the two primary considerations are whether the site is suitable for development and whether the location is appropriate in land-use planning terms for a drive-through restaurant. The site is brownfield land within the settlement boundary of Larkhall as identified by South Lanarkshire Local Development Plan 2.

- 10.2. NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings advises that: 'Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account' and 'Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use'.
- 10.3. The proposed development will result in the reuse of brownfield land which was last occupied by a care home. The site is within an area of historic mine workings - a Coal Mining Risk Assessment concludes that further intrusive investigations will be necessary, with potential remediation to stabilise the ground. The Coal Authority has not objected subject to conditions requiring further investigations and implementation of remedial works to ensure the structural stability of the development if recommended

in the investigation report. In consideration, the redevelopment of the site complies with Policy 9 of NPF4.

- 10.4. Policy 3 - General Urban Areas and Settlements states that particular consideration will be given to likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities, proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. This particularly applies to 'bad neighbour' uses which can affect neighbours by virtue of visual impact, noise, smell, air pollution, disturbance, traffic, or public safety.
- 10.5. The site adjoins an industrial area to the east and a retail store to the south. Existing housing is located to the west of the site, with new-build housing currently under construction on the north side of Borland Drive (Ref. P/20/1667). This building is approximately 6m in height and in the context of its surroundings, will be visually contained to the north and east by the retention of mature trees, additional landscaping, and boundary fencing. Sufficient parking can be provided within the site. Submitted assessments on air quality, noise, odour and lighting, conclude that there will be no detrimental impact on nearby residents or the environment. In their consultation responses neither Roads and Transportation nor Environmental Services have objected to the proposals. However, Roads and Transportation have raised concerns that the proposals could lead to traffic issues on Borland Drive (a private road) and detrimentally impact upon road users. Whilst the potential traffic issues on Borland Drive are raised later in this report, on balance the proposal satisfactorily complies with the aims of Policy 3 – General Urban Areas and Settlements of South Lanarkshire Local Development Plan 2.
- 10.6. In terms of the acceptability of the proposed *sui generis* drive through restaurant use, NPF4 Policy 27 City, town, local and commercial centres states:-
 - a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
 - b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
 - i. will be supported in existing city, town and local centres, and
 - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
 - ◆ all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
 - ◆ the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
 - ◆ the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.
 - c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
 - i. Hot food takeaways, including permanently sited vans;
 - ii. Betting offices; and
 - iii. High interest money lending premises.

- d) Drive-through developments will only be supported where they are specifically supported in the LDP.

- 10.7. The site is not a town or local centre and cannot be considered to improve the vitality and viability of the designated Larkhall Town Centre (indeed several of those businesses objected to the application). As such, 27a) is not applicable in this instance.
- 10.8. With regards to 27b) the applicant has submitted a sequential site assessment rather than submitting a town centre first assessment as required by NPF4 Policy 27. Nevertheless, the submitted sequential site assessment along with the rest of the supporting information considers whether the proposal meets the criteria set out in 27b). In terms of the sequential test, the applicant carried out a desk based review of available sites, ten in total, with the need to accommodate a 377m2 drive-through facility (sui generis) with associated parking and servicing.
- 10.9. Of the 10 sites considered in the sequential test, all were considered inappropriate due to their scale not being able to accommodate the proposed drive-through restaurant. Even the sites within Larkhall town centre and available (i.e. the former Coalyard Tearoom at 1 Caledonia Road which measures 0.18Ha in area) were discounted despite being of a scale which could accommodate a 377m2 drive-through restaurant. No explanation is provided in the submitted information on why this site (which has an additional area of vacant brownfield land directly to the north of it) was discounted as being too small for a McDonald's drive-through restaurant despite being of a comparable scale to other McDonald's locations in South Lanarkshire.
- 10.10. For the purpose of comparison, two existing McDonald's drive-through sites at Hamilton Retail Park and Nerston in East Kilbride measure around 0.2Ha and 0.17Ha respectively so it would appear that a suitably scaled drive through restaurant could have been accommodated on the 0.18Ha site at Caledonia Road if the applicant had not deemed it too small for a drive-through restaurant without any further assessment. The applicant has advised that the surrounding McDonald's restaurants in South Lanarkshire all trade very well so it is clear that a drive-through restaurant use on a site of 0.2Ha or smaller is viable in operational terms. The applicant has therefore neither demonstrated that all centre options have been discounted as unsuitable, nor can they be said to have demonstrated that the scale of development cannot be altered or reduced in scale to allow it to be accommodated in a centre. To reiterate, the submitted sequential approach identifies a town centre location which may have been suitable for a McDonald's drive-through facility but which the applicant chose not to fully explore. As such, the proposal fails to meet the requirements of Policy 27b).
- 10.11. In terms of 27c) the proposed drive-through restaurant, a sui generis use, will share many of the same characteristics as a hot food takeaway (the sale of hot food for consumption off the premises) although it's not clear if this would serve to undermine the character of the area or the health and wellbeing of the community. McDonald's offers a varied hot food menu and the applicant would put forward the view that their menu contains many healthy hot food options that can be purchased for consumption off the premises.
- 10.12. With regards to 27d) the proposed drive-through is not in a location where they are specifically supported in the local development plan, indeed the SLLDP2 does not contain any locational guidance for such uses. Nevertheless, the Chief Planners letter of 8 February 2023 confirmed that Policy 27d) was not a moratorium on such developments and that the intent of the Policy was to ensure that this type of development is considered as an integral part of the wider development plan. The

letter reiterates that decisions will depend on the facts and circumstances of each case and regard should be given to wider policies within NPF4. In the absence of detailed local plan guidance identifying appropriate locations for drive-through developments, the starting position must therefore be to resist them outwith designated centres and in locations where they are likely to increase dependency on car travel, particularly given the focus in NPF4 on the climate emergency and applying spatial strategy to reduce emissions. As such, the proposed drive through restaurant is directly contrary to 27d) of NPF4.

- 10.13. When considering Policy 27 as a whole, it is accepted that there are existing centres within South Lanarkshire where drive-through uses can perhaps be justified even though the local development plan has yet to specifically identify locations for such uses. Section d) is nevertheless considered to currently hold the most weight when considering drive through proposals against Policy 27. In this instance, the failure to meet the requirements of Policy 27b) mean that, irrespective of the slightly more nuanced discussion regarding 27c), the proposed drive-through restaurant at this out of centre location on Borland Drive, is unacceptable in land-use planning terms.

10.14. Climate Change

NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this, requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (8 February 2023) confirms that at this stage, quantitative assessments are not expected for all applications. In the absence of a standard methodology for measuring the emissions which would result from the physical structure and operation of the proposed restaurant and drive-through building, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the proposed development is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change. It is noted that the proposed drive-through restaurant is specifically designed to encourage private vehicle journeys and that the drive-through element is integral to the proposal rather than an ancillary component.

- 10.15. SLLDP2 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and, where appropriate, connection to heat networks.

- 10.16. The site is not at risk of flooding, nor will the development exacerbate flooding elsewhere. Electrical charging point and spaces for bicycles could be provided within the parking area. Air heat source pumps and solar panels are proposed. The proposal involves the re-use of brownfield land which ties in with the objectives of sustainability. However, the proposed drive-through use specifically encourages customer journeys in private vehicles to a site which is not located in a town centre and which has not been allocated as a drive-through location in the Local Development Plan.

- 10.17. Whilst the environmental performance of the building as a physical structure is likely to meet sustainability goals, the proposed land use encourages hundreds of vehicle trips a day (140-150 trips per hour at peak times) and the associated emissions that would ensue from such trips raise a significant concern. In terms of Policy 2 of NPF4,

it is evident that a drive-through use that is not located in an existing centre or other area identified as appropriate for traffic generating uses cannot be considered as being sited and designed to minimise greenhouse gas emissions. Similarly, in terms of Policy 2 of SLLDP2, the drive-through is not sustainably located. In consideration, the proposed restaurant and drive-through would therefore undermine the policy intent of NPF4 Policies 1 and 2 and Policy 2 Climate Change of SLLDP2.

10.18. Layout, Siting and Design

NPF4 Policy 14 Design, quality and place states: Development proposals will be supported where they are consistent with the six qualities of successful places. The proposed restaurant and drive-through is a single building proposed on a site with industrial and retail uses to the east and south and mature trees and landscaping providing additional screening to the north. As such, although directly overlooked by residential property, the proposal will be reasonably self-contained in the context of its surroundings. Once the infrastructure, access and parking has been installed, the building and site could be adaptable should they wish to change to a different restaurant/drive-through operator. However, any other land use is likely to require significant redevelopment. The proposed landscaping scheme has been designed to be attractive and ecologically friendly. The site layout will be open and well-lit and being regularly overlooked by staff and customers, could facilitate a safe environment for lone women and vulnerable people.

10.19. By nature of its design and layout, a drive-through restaurant cannot be considered to reduce car dependency and locations are generally chosen to appeal to private vehicle traffic rather than focussing upon existing pedestrian and sustainable transport networks. In terms of creating a sustainable place, whilst the energy performance of the building structure is designed to address the climate emergency and the landscaping seeks to provide enhanced opportunities for biodiversity, the location is outwith the dedicated town centre and instead of strengthening an existing centre, encourages individual car journeys to this single destination. Given the above, the proposed drive-through restaurant is not considered to be consistent with the qualities of a Connected Place, a Sustainable Place or an Adaptable Place and as such is considered contrary to Policy 14 of National Planning Framework 4.

10.20. Many of the objections point to a perception that food consumed at or from McDonald's is not conducive to healthy eating. However, the applicant has highlighted that they offer a varied menu with numerous healthier options available to customers. Whilst the planning system considers the long-term impacts upon health as a result of development proposals, it does not identify specific operators or types of drive-through restaurant or hot food takeaway that would be unacceptable in health terms. Whilst the location of such uses in designated centres is considered desirable in land-use planning terms, there is no evidence that competing restaurants and takeaway uses in town centres and elsewhere necessarily offer a healthier choice than that being put forward by the applicant.

10.21. Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Policy DM1 - New Development Design reiterates these points and adds that modern innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building form.

- 10.22. The redevelopment of vacant derelict land with associated landscaping will result in environmental improvements. The scale and size of the proposed building is smaller in size and scale than the original care home on site. In considering the orientation, scale and position of the proposed restaurant, the separation distance from the nearest dwellings, retained trees, proposed landscaping and boundary fence, the proposal will not compromise privacy, cause overshadowing or be visually intrusive. As it lies at the edge of the Strutherhill Industrial Estate and adjoins the Lidl food store, it won't detract from the mixed use character of the area.
- 10.23. The submitted Noise Assessment concludes that as the background noise level is reasonably high, there is no likelihood of an adverse noise impact from the proposed development at properties to the west and to the north of the site. The Noise Assessment also highlights that the restaurant building will provide acoustic screening to the surrounding residential properties. The submitted Odour Assessment identifies that an extraction system will be installed, and a maintenance programme will be implemented. Based on these measures, it is considered that odour emissions will be controlled, and no adverse effects will be experienced. The site does not fall within an air quality management area and the submitted Air Quality Assessment concludes pollution levels at the site are currently meeting the relevant air quality objective limits. A Lighting Impact Assessment taking account of lighting column height, position, design, and luminosity concludes horizontal light impact upon residential properties will be avoided. Environmental Services have not raised any issues of concern in their consultation response.
- 10.24. With regards to waste and litter, as an operator McDonald's have waste management policies and initiatives that would be implemented at this location. Waste bins will be located outside the restaurant and the applicant has advised that staff will pick up any litter surrounding the premises on a regular basis. Appropriate waste collection and storage arrangement could be secured by condition and the potential for littering by third parties after they have left the site is not something which can be addressed through this application.
- 10.25. In considering supporting information, plans, consultation responses and analysis of the site and neighbouring locality, the proposal is deemed to be satisfactory in terms of Policies 5 and DM1 of the adopted Local Plan.
- 10.26. Natural and Historic Heritage
NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. There are existing trees on the northern and eastern boundaries which were retained when the care home was demolished, and the site cleared. The site consists of hardstanding, rough grassland, self-seeded birch, shrubs, and ornamental trees which formed part of the original landscaping for the care home.
- 10.27. An Ecological Appraisal has been undertaken which concludes that the habitats and flora are not considered to be ecologically valuable and are unlikely to support protected or notable species. The report recommends work taking place out with the bird nesting season and if this is not possible, a pre-site check should be carried out prior to the commencement of work. Retained native trees should be protected during construction. If recommended mitigation measures and enhancement planting are implemented, the development will accord with policy objectives for biodiversity protection and ecological enhancement. The landscaping proposals include appropriate replacement planting and will benefit pollinating insects, birds, and other urban wildlife.

10.28. Objections referred to potential impacts upon animals and birds. No protected species have been identified and the species highlighted are commonplace and can easily adapt and relocate to nearby suitable habitats. In consideration, subject to appropriate conditions, the proposal complies with Policy 3 of NPF4.

10.29. Economy

NPF4 Policy 15 Local Living and 20 minute neighbourhoods states that development proposals are to contribute to local living. The application seeks to provide a new restaurant in Larkhall, adding to the variety of food offerings and services available to the local community. With regards to local living opportunities to encourage employment within settlements, the applicant has advised that the proposed drive-through restaurant (which is proposed to operate 24 hours a day 7 days a week) will generate 60 full time equivalent (FTE) jobs and up to 60 further part-time staff roles. There will be a maximum of 20 employees on site during any one shift. Whilst there is no guarantee what proportion of these roles would go to local people, it is safe to assume that a significant proportion of the employees would live locally or within a short commute.

10.30. Although the proposed use is not solely aimed at the local neighbourhood, nor has the decision to locate the use on this site been considered in Place Principle terms, the location itself accords with several of the criteria set out in Policy 15 of National Planning Framework 4.

10.31. Travel and Transport

NPF4 Policy 13 Sustainable Transport states:-

- a) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance; and
- b) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- c) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

10.32. SLLDP Policy 15 Travel and Transport advises that the Council expects active travel and the availability and/or provision of public transport facilities and access to be fundamental design and locational elements of new development. New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car. Where appropriate, planning applications will be accompanied by an active travel plan that demonstrates this order of priority has been considered and includes proposals to reduce travel by car and encourage walking, cycling and public transport as alternative modes of transport. Proposals should also consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.

10.33. SLLDP Policy SDCC4 Sustainable Transport states: New developments that result in a significant increase in traffic and pedestrian movements should be located in areas that are accessible by walking, cycling and public transport. Where appropriate, developers will require to submit a transport assessment, a travel plan and a design and access statement. New developments require to recognise the needs of cyclists,

pedestrians and people with disabilities. New developments should, wherever possible, safeguard and enhance cycle parking and storage. In addition, they should incorporate access to public transport routes and hubs and have regard to the core path plans. In addition, to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points within new developments.

- 10.34. The site adjoins Carlisle Road, the main road through Larkhall, which is a designated bus route (the 253 to Coalburn and the 254 to Strathaven/Stonehouse both go along this road) and three bus stops are located within 300m of the site. There is an existing private access (Borland Drive) to the site from Carlisle Road although it is outwith the control of both the applicant and the Planning Authority. Nearby are pedestrian crossings on Carlisle Road and on the Lidl access. Both sides of the carriageway contain lit footpaths allowing safe passage for pedestrians from neighbouring residential and industrial estates. The 5km catchment area representing an accessible cycling distance includes the whole of Larkhall and Stonehouse, Swinhill and Ashgill to the south. The road network in Larkhall is relatively conducive to cycling with a 30mph speed limit on Carlisle Road and 20mph speed limits in residential streets. Spaces for 8 bicycles will be positioned beside the restaurant. The railway station has access to the footpath network, has secure cycle storage facilities and is 1.9km walk from the site.
- 10.35. A Transport Assessment has been prepared by the applicant which concludes that the development will not result in adverse impacts upon the road network. Sufficient parking can be provided including two accessible spaces and 4 electrical charging bays. After considering the supporting documentation, Roads and Transportation concluded that a Traffic Regulation Order was needed to prevent overspill parking on Borland Drive. It has, however, been confirmed that such an Order is outwith the scope of this application since Borland Drive is a private road which is not controlled by the applicant. Consequently, Roads and Transportation have confirmed that for an undefined period (i.e. until Borland Drive can be brought up to an adoptable standard, subsequently adopted and a Traffic Regulation Order (TRO) then promoted) it is likely that parking and waiting traffic on Borland Drive could cause issues for other road users
- 10.36. A Travel Plan has been submitted with the objective of reducing staff car journeys by providing clear information of alternative modes of transport and by encouraging the use of walking, cycling and public transport. A Travel Plan Co-ordinator would be appointed, and the Travel Plan would be subject of regular monitoring and review.
- 10.37. The proposal appears to be compliant with most of the of the criteria listed in the Local and National sustainable transport related policies. However, a drive-through restaurant, by its very nature, is intended to generate significant vehicle usage. A restaurant by itself would not cause as much concern since vehicle trips would be less. Although it is not clear how large a proportion when compared to takeaway customers (both collection and drive-through). The applicant has been asked to estimate the likely proportions of restaurant users compared to take away customers, however, despite the large amount of customer data they evidently hold, they have been unable to confirm such figures from existing drive-through restaurants in South Lanarkshire.
- 10.38. Roads and Transportation have advised that required parking levels can be provided within the confines of the site and that the trip generation rates outlined in the Transport Assessment are acceptable in terms of the existing road junctions. The drive-through lane has been designed to accommodate the maximum anticipated cars (18) at peak

times. No conflict with the drive-through lane or parking facilities are anticipated in respect of loading and refuse facilities.

10.39. The proposed drive-through restaurant is a significant travel generating use (140-150 trips per hour at peak times) and it is very difficult to conclude that, by the very nature of a layout that invites vehicle travel, it would not increase reliance on the private car. Whilst the site falls within a cycling and walking catchment area, is on a bus route and is within relative walking distance of the train station and town centre, all of these travel options are expected to be significantly outweighed by the hundreds (potentially thousands) of customers visiting each day by private car.

10.40. In summary, the proposed development raises significant issues in terms of the number of vehicle journeys it generates and whether it increases reliance on the private car. Whilst there are sustainable travel options to reach the site (bus and cycling) the walking route is quite a distance from Larkhall Centre (1.7km) and the proposal does not pay due regard to the need to reduce air pollution and greenhouse gas emissions and mitigate the impact of traffic growth.

10.41. Conclusion

In summary, taking all the above into account, it is considered that the proposed development would constitute inappropriate development in land-use planning terms with regards to the sites out of centre location and the impact of such a use in terms of emissions, the climate emergency and private vehicle journeys and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify the creation of a drive-through facility in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 13, 14 and 27 of National Planning Framework 4 (adopted 2023) and Policies 2, 10, 15 and SDCC4 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

11. **Recommendation**

11.1. The Committee is asked to agree the following recommendation:-

Refuse Planning Permission for the reasons outlined below:-

01. The proposal would be contrary to Policy 27 - City, town, local and commercial centres of National Planning Framework 4 as the site is not specifically supported as a drive-through location in the Local Development Plan.
02. The proposal would be contrary to Policy 27 - City, town, local and commercial centres of National Planning Framework 4 as a Town Centre First Assessment has not satisfactorily demonstrated that the application site is the most sustainable location for a drive-through covering the Larkhall area after all centre and edge of centre options have been sequentially assessed and discounted as unsuitable.
03. The proposal would be contrary to Policy 10 New Retail/Commercial Proposals of the South Lanarkshire Local Development Plan 2 as the location fails to promote sustainable development or minimise traffic and environmental impacts.

04. The proposal would be contrary to Policies 1 – Tackling the climate and nature crises and Policy 2 Climate mitigation and adaptation of National Planning Framework 4 as the proposed drive through would not be located or designed to reduce emissions or minimise lifecycle greenhouse gas emissions as far as possible.
05. The proposal would be contrary to Policy 2 Climate Change of South Lanarkshire Local Development Plan 2 as the drive through would not be sustainably located to try and minimise and mitigate against the effects of climate change.
06. The proposed drive-through would be contrary to Policy 13 Sustainable Transport of National Planning Framework 4 as it is a significant travel generating use which would increase reliance on the private car.
07. The proposed drive-through would be contrary to Policy 15 Travel and Transport and Policy SDCC4 Sustainable Transport of South Lanarkshire Local Development Plan 2 as the development, by nature of its design and location, is not aimed at promoting walking, cycling or public transport as alternatives to the private car and does not have due regard to the need to reduce greenhouse gas emissions from increased traffic movement.
08. The proposal is contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the qualities of a Connected Place, a Sustainable Place or an Adaptable Place.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 December 2023

Background Papers

Further information relating to the application can be found online:

[P/23/0507 | Erection of drive-thru restaurant \(Class3/Sui Generis\) with associated access, servicing, car parking, landscaping and other associated work. | Land 70M South Of 28 Beck Avenue Borland Drive Strutherhill Industrial Estate Larkhall](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

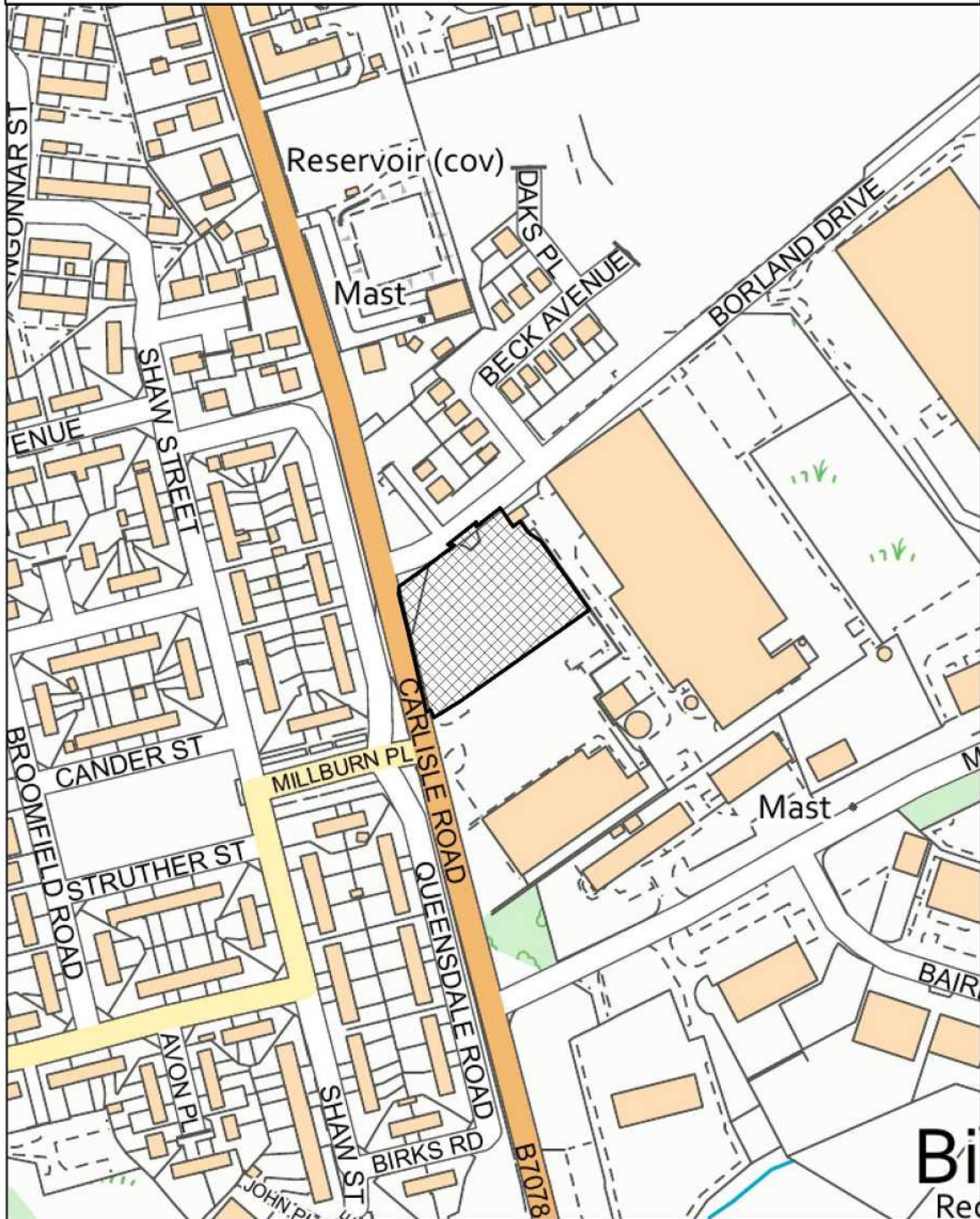
Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/23/0507 Land 70m South of 28 Beck Avenue Larkhall



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Scale:
1:2,500
Date:
23/11/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services