



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
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Ladies and Gentlemen,

A meeting of the **PLANNING AND LICENSING COMMITTEE** will be held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on **Tuesday, 14th January, 2020** commencing at 6.00 pm when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

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5) **PLANNING APPLICATIONS
ADDENDUM REPORT**

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PLANNING & LICENSING COMMITTEE

14TH JANUARY 2020

ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
11/2020	1	2019/0614/FUL	MCDONALD'S RESTAURANTS LTD	OAKHAM TOWN COUNCIL

Corrections to Report

Paragraph 97

This should read

Catmose College complex is approximately 850m via internal roads and/or approximately 1000m via Lands End Way

Brooke Priory School – approximately 1188m

Further Representations from the Public

4 raising objection on the grounds of

- Against the interests of people and the Rutland Environment
- Litter x 3
- Adverse impact on local businesses causing many to go out of business x2
- Promote unhealthy life styles
- Adverse impact on people's health
- Applicant has a history of not caring about the environment
- Allow local companies to provide jobs for the young
- Against a global corporation being located in Rutland
- Jobs will be low paid and zero hour contracts
- McDonalds will not create an economic boom
- Rutland should remain free of this type of facility.
- Will devalue Rutland Image
- Impact town centre businesses and reduce footfall – visitors to Rutland Water will be less likely to visit the town.

2 in support of the proposal

- Will provide much need employment, training
- The development will not lower the town of Rutland, the company has a good reputation across the UK.
- The development will increase choice to visitors
- Litter less of an issue due to litter picking undertaken by the company within and outside the site.

- Good idea if car numbers can be printed on packaging however accept that this needs to be addressed at a national level.
- 55 objections is not a lot from a population of around 12,000
- Visiting other restaurants in this chain indicate that litter, noise smell is not an issue
- Contrary to reports impressed about high standards of cleanliness and tidiness
- Nutritional content much higher than say 10 years ago
- Aldi struggled to get permission and the popularity of the store has vindicated the decision. The same is likely to be the case with this applicant's development. Who has the right to say Rutland is proud to be the only County without a McDonalds.

Since writing the report an issue has been raised concerning Children's play equipment;

- Children's play area indoor or outdoor. I'm sure you've seen McDonald's often has these with ball pits and slides etc I'd be very keen to see them include such an area to help get children moving and counteract negative health implications. No reference to this in the proposal - grateful if it can please be raised with the planning team as this is important.

For the avoidance of doubt 'play land' play equipment is provided in a designated play area outside the front entrance of the proposed restaurant adjacent the outside eating area

Landscaping

A revised landscaping drawing has been received, Drawing Number 16309-VL-MCD_L01 Rev D showing the species of tree at the entrance to the site changed in accordance with the request of the Forestry Officer

The applicant agent has stated 'the total cost of the external hard and soft landscaping is currently estimated at £145,000. This includes a budget of £91,000 for the 130m long masonry planter to the base of the acoustic fence. All in all the budget for landscaping has been increased at this site by £114,000 because of the design changes requested. That is over 10% of the development costs, excluding land value.'

The applicant has also stated that 'We have worked in detail with all consultees where required and indeed have incorporated a large number of requests with regards to the landscaping. This has led to a huge increase of over 10% in the construction costs for the site (not including land value). Where we have been unable to accommodate some of the landscaping requests is where the sewer easement runs on the eastern boundary of the site. Whilst this would in ordinary circumstances have standard restrictions, we have also had to agree additionally to no construction (other than the access road and head light screening), no service media and no planting of trees and bushes within this easement with Hawksmead Limited, the current owner of the property. The contract stipulates that only soft landscaping will be allowed. I feel it is very clear to see from our approach throughout, where we have been able to make changes and alterations we have gone above and beyond what is totally necessary. With this in mind, hopefully you can see the reason for us resisting such additional landscaping to the easement strip is due to McDonald's contractual position. It would be far easier for me to agree to additional landscaping than resist, and given the level we have gone to improve our landscaping, it is a small strip in comparison and relatively low cost additional planting we are having to resist, certainly in relation to the other alterations we have made.

It is also worth noting that if any development were to be constructed on this land, the same restrictions would be imposed by the easement and the contractual position with the vendor'

Consultation Response

Forestry Officer

Welcomes to change in tree species at the entrance of the site as shown on revised drawing

Information circulated to Members

It is understood that an information booklet has been circulated to all members by the applicant entitled 'A new McDonalds for Oakham'

Additional Information from Applicant

The applicants have sent a further email providing a summary of information submitted with the application concerning deliveries and further formation concerning HGV divers.

“Deliveries

Three deliveries per week are made to restaurants. The artic is parked on site for up to an hour. Each store is assigned three two-hour “windows” for deliveries each week and these rarely change. They should be treated as fixed.

The store is notified by the vehicle’s built in GPS when it is 30 minutes from site. Staff will cone off the spaces prior to vehicle arrival and if a restaurant is particularly busy, then staff can undertake this slightly earlier if necessary, given that the delivery window is fixed. As soon as a space can go back into use (for example it is overrun on the HGV entry, but not during offload or exit) then it will do so.

Delivery timings are set by McDonald’s logistics partner, Martin Brower and when a new store is due to open, their planning team will review existing delivery routes and fleet capacity to cover the new store. This process usually occurs 4-8 weeks before restaurant opening, so timings are not available at the planning stage. McDonald’s will seek to avoid receiving deliveries at peak customer times, for ease of managing the site.

Use/ Marketing

McDonald’s sites are not advertised or aimed at HGV drivers and we have not had issues reported to us about this type of activity. Naturally, where McDonald’s is located at a designated service area with appropriate HGV parking (Motorways, Trunk Roads etc), then drivers are welcome to walk over to the store/outlet, however free-standing restaurants are not intended for this particular driver and this is not an issue we are aware of.

Menu/ Food sold

‘There are few restaurants in the country who can claim to have made so many positive changes to support healthier lifestyles. McDonald’s believe that the lessons they have learned in making these changes can be used to support a wider drive to reduce obesity.

McDonald’s strongly believe that a business of their size has a responsibility to use its scale for good. As a consumer driven business, they work extremely hard to understand the lives of our customers, particularly families, and the role that food and drink plays for them. As a result, we are uniquely placed to help

customers make informed choices and think carefully about the nutritional information we provide.

McDonald's customers are increasingly health conscious and careful about what they eat. Therefore, McDonald's goal is to help them understand what they are consuming and to assure them that the ingredients have been sourced responsibly. When it comes to their food, they believe their role is to make it easier for customers to balance health, taste and value. That is why McDonald's have built their strategy on three core principles: choice, information and improving the nutritional profile of existing products. That means:

- 1. Providing people with a range of food that allows them to make a choice appropriate for any occasion, whether that is a treat or a healthy everyday option.*
- 2. Providing Information to help customers understand what they are eating.*
- 3. Reformulating their food products to reduce saturated fat, sugar and salt, while not compromising on flavour.*

McDonald's are proud of the impact they have already had in helping customers better understand their choices. McDonald's have been providing customers with nutritional guidance for over 30 years and have included calorie information on their menus since 2011, at the time becoming the largest company in the sector to ensure customers have access to visible calorie information. Calorie information is clearly displayed under each item on the digital screens within McDonald's restaurants and on their website and click and collect app and this information allows customers to select an order that fits with their own dietary plans and nutritional requirements. The information also allows customers to personalise the items in their order, such as replacing a hash brown with a fruit bag at breakfast or fries with a salad at lunch.

Reformulating existing items on the menu has been another area of investment. 54% of McDonald's menu is classified as non-HFSS (not high in fat, salt or sugar) and 89% of items on their core food and drink menu contain under 500 calories. Over the last 5 years McDonald's have removed 655 tonnes of fat, 266 tonnes of saturated fat, 157 tonnes of salt and 2,257 tonnes of sugar from our menu.

The Happy Meal has also evolved. Today, 72% of items on the Happy Meals menu are non-HFSS, and in 2014, McDonald's trialled "Free Fruit Fridays" resulting in 3.7 million portions of fruit being handed out. As a result of that trial, discounted fruit is now available with every Happy Meal and in the last 12 months over 4 million Happy Meals were sold with a Fruit Bag or Carrot Sticks.

Recent years have also seen the introduction of new menu items. Porridge, salads and grilled chicken wraps now sit alongside menu items McDonald's has traditionally been famous for, such as Chicken McNuggets, the Big Mac and the Fillet-O-Fish.

As customers have sought more choice, such as vegetarian options, they have increased their marketing of these products. McDonald's understand the power of promotion to influence behaviour and the responsibility that they have in this area.

Products classified as high in fat, salt or sugar - according to the UK Nutrient Profiling Model - are never marketed to children across any media channel, at any time of day. Since 2007, adverts featuring a Happy Meal have included

food and drink such as carrot sticks, fruit bags, milk or water, and we restrict out-of-home advertising to avoid being within 200 metres of a school – double the industry standard. But McDonald's also believe that advertising and marketing can play an important part in driving behaviour change. It can increase information and transparency, nudge customers towards certain food choices, and support further reformulation by driving sales.

A recent initiative has highlighted this potential. In December 2017, McDonald's launched their 'Meals Under' 400 calories and 600 calories offer, and in the past 12 months have seen a 102% rise in the number of side salads being purchased with a meal instead of fries.

McDonald's investment in digital self-order screens has also supported their customers in making informed choices. Since their introduction, and a review of how they present their menu, they have seen 1.3 million bottles of water purchased instead of a sugary drink and 1.4 million more Fruit Bags bought with a Happy Meal.

McDonald's have also changed their menu to reflect a growing desire from customers to see a greater number of vegetarian options. In 2019, they launched the Vegetarian Happy Meal Wrap and Spicy Veggie Wrap at 209 calories and 364 calories, respectively. Both items are not high in fat, sugar and salt and are Vegetarian Society Accredited. Their introduction means they are now better equipped to meet the requirements of this growing consumer trend.

Demand for a wider range of options such as meat-free meals is growing, as is the customer expectation that Government and businesses will help them make informed food choices. McDonald's will continue to lead the way by evolving our menu, ultimately working towards making quality, affordable food even more available in future."

Revised conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 7499-SA-8681-P002J Block Plan, 7499-SA-8681-P004N Site Layout Plan, 5499-5A-8681-P005D Sections & elevations, 7499-SA-8681-P006 Rev C Ground & roof plans, Specification sheet for the Apollo cycle shelter BXMW/AP Height restrictor Details received 07/06/19, Standard Patio Area Supporting Specification received 07/06/19, Play Equipment Details E09-004 Outdoor Climb 3x3 received 07/06/19, Noise Assessment project No 1918948, prepared by KJ Metcalfe, Sharps Redmore Acoustic Consultants dated 29 July 2019, Transport Assessment produced by ADL Traffic and Highways Engineering Ltd received 7 June 2019, Odour Control Specification received 7 June 2019, Odour control Assessment Rev C produced by CDM Partnership July 2019, Lighting layout and notes DWG 00 & 01 dated 05.08.19 and email dated 2 September 2019
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development comprising the walls and roof of the development hereby approved shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to

and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason: To ensure that the materials are compatible with the surroundings in the interests of visual amenity.

4. No development comprising the walls of the development hereby approved shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A sample panel of the stone work proposed;
 - Details of stone slips and corners
 - A description of the joints proposed;
 - Details of the mortar mix, profile and finish;
 - The relevant works shall be carried out in accordance with the approved detailsReason- To ensure that the materials of an acceptable quality appropriate to the area.
5. Notwithstanding condition 1 prior to first use a revised Travel Plan shall be submitted incorporating the changes set out in the letter dated 13 September 2019 from ADL Traffic and Highways Engineering Ltd and approved in writing by the Local Planning Authority. Within 2 months of the building coming into use the revised Travel Plan shall be brought into operation and shall be operated from the applicant's sites in perpetuity. Reason: The site is within an area of restraint requiring a greater degree of control over sustainable travel to encourage reduced dependence on the car having regard to policies CS1, CS18, and SP15.
6. Delivery operations and parking of associated vehicles making deliveries shall be carried out fully in accordance with the Delivery Service Management Plan produced by ADL Traffic and Highways Engineering Ltd reference ADL/RG/3837/18A issue 1 dated 26/07/19. Reason For the avoidance of doubt and in the interest of highway safety.
7. The proposed junction with the existing highway, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development including the delivery of materials. Reason: To ensure that the junction is available for use at the outset in the interests of highway safety.
8. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the construction details used must be porous. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and to ensure that drainage is sustainable.
9. The proposed vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall comply with details shown on the approved plan , 7499-SA-8681-P004N Site Layout Plan and shall be retained at that width and provided with a dropped kerb vehicular crossing of the footway/highway verge Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
10. The development shall not be used until such time as the vehicle parking area, cycle stands and canopy and EV charging points indicated on the approved plans, including any parking spaces for the mobility impaired, have been provided, hard surfaced, sealed and marked out in parking bays. The vehicle parking area and cycle stands shall be retained in this form at all times. The vehicle parking and cycle stands shall not be used

for any purpose other than the parking of vehicles and cycles that are related to the use of the development and shall be maintained available at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

11. Prior to first use of the business, as shown on the approved drawings, a pedestrian splitter island along Lands End Way shall be constructed to RCC Highway standards.
Reason: To improve pedestrian access to the site in the interests of highway safety.
12. Notwithstanding the approved drawings revised details shall be submitted of the 2m high acoustic boundary screen. The details to be submitted shall include a 1m high double limestone wall, with a 1m high wooden acoustic screen on top of the external wall. The internal wall will then be designed to provide a planter and planted up in accordance with the agreed landscaping scheme. The development shall be carried out in accordance with the approved details and retained thereafter
Reason; in the interests of amenity and avoid an unacceptable level of noise pollution to the surrounding area.
13. For the avoidance of doubt and as stated in the email dated 2 September 2019 the lighting scheme shall not exceed the limitations set out in Table 2 (pa Environmental Zone E3 'Urban' in 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' as prescribed by the Institute of Lighting Professionals Guidance
Reason: In the interests of amenity and reduce the impact of night time illumination on the character of the area.
14. Active odour control measures in the form of enhanced canopy filtration and ozone injection as described for the extraction system shall be installed prior to first use and maintained in accordance with the report (specifically chapters 7 to 10) titled 'Odour Control Assessment for McDonalds Restaurant, Hawksmead Estate, Lands End Way, Oakham, 190729 McD Oakham Odour 2019' Rev C produced by CDM Partnership.
Reason: In the interests of amenity and reduce impact of odour on the surrounding area.
15. In accordance with recommendations contained in the Acoustic Assessment Report no fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 44 dBA between 0700 and 2300 hours and 30 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014 + A1:2019
Reason; In the interests of amenity and avoid an unacceptable level of noise pollution
16. For the avoidance of doubt the boundary fence fronting Hackamore Way and Lands End Way shall be a 1.1 metre high post and rail timber fence.
Reason In the interests of amenity and character of the area.
17. The sustainable drainage scheme for this site shall be completed in accordance with the submitted details (Drawing 4180363-1200 Rev14), 4180363-SK06 and emails dated 13/09.2019 and 24/09/2019. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan detailed in 005_MD4180363_KLJ_AD005 issued 29th July 2019.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.
18. Before any development above damp proof course level, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority, which shall include any proposed changes in ground levels

and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction."

Reason: To ensure that the landscaping is designed in a manner appropriate to the locality and to enhance the appearance of the development.

19. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the landscaping is carried out at the appropriate time and is properly maintained.

20. Hard surfacing beneath the canopy of any retained tree shall be designed to minimise ground compaction in accordance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in Relation to Construction." Such areas will require the use of geo-textile membranes coupled with no excavation and minimal alterations in ground level.

Reason: To minimise disturbance to and help to ensure the satisfactory retention of the trees.

21. Any trees dying, being removed or being seriously damaged as a result of the failure to comply with condition 20 above shall be replaced in the next planting season (October - March inclusive) with others of similar size and species.

Reason: To enable existing landscaping to be protected and retained in the interests of visual amenity.

22. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

23. All the existing trees and their roots along boundary of the site, shown to be retained in Arboricultural Survey and Impact Assessment prepared by Hayden's Arboricultural Consultants "Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012" (Ref: 7488 no revision) shall be protected by the erection of temporary protective fences in accordance with BS5837:2012. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason: The trees on adjacent land are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

24. For the avoidance of doubt tree protection protective fencing shall be locked together to create a construction exclusion zone. This shall not interfere with the no dig measures, or the implementation of the geotextile. Following the completion of (pre-construction) work the fence should then be redesigned to cover the entirety of the RPA.
Reason: The trees on adjacent land are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
25. If during development contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
Reason: For the Avoidance of doubt and because the site is located close to a refueling service station and no details have been submitted to show that the site is not contaminated.
26. The development shall not be used until a Litter Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of regular litter picking within and around the site as referred to in paragraphs 6.22 and 6.26 of the Planning Supporting Statement produced by Planware Ltd dated June 2019 version – final,. The approved plan shall be implemented in full.
Reason: In the interests of the visual amenities of the locality and to protect the amenities of the surrounding area.
27. The precautionary construction techniques should be implemented in full as set out in the badger survey submitted in support of the application by Practical Ecology, dated 23 July 2019.
Reason: In order to safeguard protected wildlife species and their habitats.

Informative

1. The developer will need to enter into a S278 agreement to carry out the dropped crossing works on Lands End Way and for the installation of the pedestrian refuge island.

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