

11/00138/WCPP: VARIATION OF CONDITION C6 TO ALLOW RESTAURANT TO OPEN BETWEEN THE HOURS OF 0500 AM TO 01.00AM SUNDAY TO THURSDAY AND 24 HOURS ON FRIDAY AND SATURDAY - (SUBJECT OF PREVIOUS PLANNING PERMISSION 00/00930/FUL CONDITION C6 - HOURS OF OPENING AND FURTHER VARIATION OF C6 UNDER PLANNING REFERENCES 05/00099/WCPP, 06/00693/WCPP, 08/00094/WCPP AND 10/00999/WCPP) – AT MCDONALDS, LINCOLN ROAD, GLINTON

VALID: 22.12.2010
APPLICANT: MCDONALDS RESTAURANTS LTD
AGENT: MR BALDIP BASI
REFERRED BY: GLINTON PARISH COUNCIL
REASON: DETRIMENTAL TO RESIDENTIAL AMENITY, APPLICANT HAS NOT DEMONSTRATED NEED, WOULD BE A MAGNET FOR ANTISOCIAL BEHAVIOUR AND DOES NOT COMPLY WITH POLICY R7

DEPARTURE: NO
CASE OFFICER: DAVE JOLLEY
TELEPHONE: 01733 453414
E-MAIL: david.jolley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The effect of the proposals on the amenities of the occupiers of nearby dwellings

The Head of Planning, Transport and Engineering Services recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Key policies highlighted below.

Development Plan Documents

Peterborough Core Strategy

- **CS16 Urban Design and the Public Realm**
Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

3 DESCRIPTION OF PROPOSAL

Retrospective permission is sought for the variation of condition C6 of planning application number 00/00930/FUL to allow restaurant to open between the hours of 0500 am to 01.00am Sunday to Thursday and 24 hours on Friday and Saturday. The current permitted hours are 05:00 – 24:00 Monday – Sunday.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site lies approximately 350 metres south of the village of Glinton and close to a group of dwellings situated 30 metres to the south on Lincoln Road. The site is located at a roundabout on the A15 trunk road accessing the north of the city and the outlying villages.

The site is separated from the dwellings to the south by a landscaped bund approximately 20 metres in width. There is pedestrian access from a turning head in front of the Lincoln Road properties adjacent to the petrol station and McDonalds.

From site investigation it is clear that the lorries use the facilities park adjacent to the petrol station.

5 **PLANNING HISTORY**

| Application Number | Description | Decision | Date |
|--------------------|---|----------|------------|
| 07/00021/REFPP | Variation of condition 10 of planning permission 04/01313/OUT to allow the motel to have 80 bedroom instead of 40 bedrooms | DISMIS | 14.04.2008 |
| 09/00533/IN | Internal Alterations And Refurbishment | BCO | 20.04.2009 |
| 00/00930/FUL | Erection of McDonald's restaurant with car parking | PER | 12.03.2001 |
| 00/00931/FUL | Erection of McDonald's restaurant with car parking (duplicate) | WDN | 18.04.2001 |
| 01/00514/ADV | Various illuminated and non illuminated low level signs | PER | 20.06.2001 |
| 01/00515/ADV | Various illuminated and non-illuminated low level signs - duplicate | PER | 20.06.2001 |
| 01/00516/ADV | Illuminated building signs | PER | 20.06.2001 |
| 01/00517/ADV | Illuminated building signs - duplicate | PER | 20.06.2001 |
| 01/00518/ADV | Illuminated free standing sign | PER | 20.06.2001 |
| 01/00519/ADV | Illuminated free standing sign - duplicate | PER | 20.06.2001 |
| 05/00099/WCPP | Variation of condition 6 of planning permission 00/00930/FUL to allow restaurant to open from 0600 hours to 2300 hours seven days a week | PER | 27.05.2005 |
| 06/00693/WCPP | Variation of C6 of planning permission 00/00930/FUL to allow restaurant to open from 0600 hours to 2400 hours seven days a week | PER | 03.07.2006 |
| 06/01522/WCPP | Variation of condition 10 of planning permission 04/01313/OUT to allow the motel to have 80 bedroom instead of 40 bedrooms | REF | 22.12.2006 |
| 08/00094/WCPP | Variation of C6 of planning permission 00/00930/FUL to allow restaurant to open on a permanent basis, from 0500 hours to 2400 hours seven days a week | PER | 02.05.2008 |
| 10/00260/FUL | Refurbishment of restaurant and patio area, changes to elevations including the removal of booth one and light beams from the roof | PER | 15.04.2010 |
| 10/00261/ADV | Installation of 3 x internally illuminated fascia signs, 6 x freestanding internally illuminated signs, 1 x height restrictor, 1 x banner sign and 1 x customer order display | PER | 14.05.2010 |
| 10/00262/ADV | Extension of the existing pole on an existing freestanding sign from 7 metres to 9 metres | PER | 16.04.2010 |
| 10/00999/WCPP | Variation of condition C6 (of planning permission 00/00930/FUL) - to allow restaurant to open from 0500 hours to Midnight each day on a permanent basis | PER | 15.09.2010 |

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|---------------|---|-----|--|
| 11/00138/WCPP | Variation of condition C6 to allow restaurant to open between the hours of 0500 am to 01.00am Sunday to Thursday and 24 hours on Friday and Saturday - (subject of previous planning permission 00/00930/FUL Condition C6 - hours of opening and further variation of C6 under planning references 05/00099/WCPP, 06/00693/WCPP, 08/00094/WCPP and 10/00999/WCPP) | PCO | |
|---------------|---|-----|--|

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Environmental Health – Have received no complaints regarding the existing opening hours over the past year and no objections since the new opening hours have operated.

EXTERNAL

Glington Parish Council – This proposal would unnecessarily increase late night disturbance and have a detrimental impact on amenity of nearby properties. Applicant has not demonstrated a local need as required by this type of development. No benefit to the local community and would only serve as a magnet to antisocial persons. The proposal does not meet policy R7 of the Peterborough Local Plan.

It should be considered whether approval of this proposal could set precedence with regard to the opening hours of the adjacent service station.

NEIGHBOURS

Letters of objection have been received from 1 local resident raising the following issues:

- Crime security problems
- Extra traffic
- Impact on local community
- Impact on water table/possible ground heave
- Light pollution
- Litter
- Noise
- Nuisance (general)
- Opening hours
- Public disorder
- Smell
- Youths congregate

comments: as brought up before, McDonalds have not honoured their litter /noise issues also, large lorries are parking up and staying late or overnight with engines running as they can use restaurant facilities, youths have been revving engines in car parks late at night, cars have been coming down Waterworks Lane and parking outside properties (1,3,5) to use the walking access to go to the restaurant, litter is everywhere outside 1,3,5 Lincoln Road and down to main road at least 1 black bin a week is being picked up by residents. Smell is evident since opening hours have been extended, as this area is not town centre there should be no need for 24 hour opening it just makes the area seem unsightly. Glington village does not need students/residents etc to have 24 hour facility to eat burgers. Residents from Lincoln Road and Waterworks Lane feel upset that voices are not being heard and as with the McDonalds at Boongate they had permission to open from 0500 permitted then they had 24 hour permitted, this should not be allowed at Glington. Traffic is a problem already and we do not need this restaurant to be open 24hours causing noise to a rural location.

a) **The principle of the development**

The development is for the extension of opening hours of an existing establishment, therefore the principal of development on site is acceptable.

b) **The effect of development on the amenities of the occupiers of nearby dwellings**

The primary area of concern surrounding the application is the impact upon the adjacent residents of Lincoln Road and the impact generally upon the residents of Glinton village.

Due to the potential for additional noise disturbance for the adjacent residents of Lincoln Road it is recommended that the Local Planning Authority grant a temporary 6 month permission in order for the impact of the longer opening hours to be monitored. If it is found that the increased opening hours have led to unacceptable impacts upon the nearby residents then any subsequent applications could be refused or steps taken to mitigate for the harmful impacts on residents.

It is not considered likely that crime and security issues would increase as a result on the extended opening hours. The fact that the area would be manned by staff around the clock is likely to discourage criminal activity in the area through increased natural surveillance.

The levels of traffic generated by the opening hours are unlikely to cause harm to the transportation network or lead to unacceptable congestion. Access to and from the services is directly to the A15 trunk road close to a round about where speeds are greatly reduced. At the times of night covered by the revised opening hours there is very little traffic on the transportation network and additional flows could easily be accommodated.

The noise and odour impact on local residents is the most pressing area of concern regarding the application and it is for this reason only that a temporary permission is recommended. This will allow the impact upon the residents to be monitored. The objector is located 130 metres from the restaurant and 85 metres from the location where lorries park to rest and eat food purchased at the application site and garage. At these distances it is considered unlikely that any additional noise and smells generated by the extended opening hours would be materially harmful so as to warrant refusal. The objector lives to the south west of the application site and the prevailing winds would generally take odour and noise in the opposite direction.

There are closer residential properties to the restaurant and it is the closest of these properties, number 5 Lincoln Road that is most likely to be affected by the increase opening hours. Although situated 100 metres from the McDonalds, the property is only 30 metres from the location where lorries park, some no doubt running their engines while the eat food/rest, this can be evidenced by the numerous McDonalds bins along the edge of the road. Whilst it is clear that lorries already park in this location causing disturbance to the residents, an increase in opening hours could intensify the use of this waiting area, leading to further and unacceptable levels of noise disturbance.

The temporary permission is recommended in order for the impact upon this closest resident to be monitored.

The objector has stated that the proposal could impact on water table leading to possible ground heave. The Local Planning Authority consider this extremely unlikely, as no excavations are proposed, no new soakage into the ground would occur and no loss of vegetation or mature trees is proposed, which could lead to ground heave.

There is a heavily vegetated bund between the McDonalds/garage and the nearby residents, therefore light pollution is not considered to be a major issue and certainly not one which could on its own provide grounds for refusal. If the proposal does lead to issues of light pollution the temporary nature of the consent would allow for steps to be taken to rectify this in subsequent applications.

During the Local Planning Authorities site visit there did not appear to be any unacceptable levels of litter either around the restaurant/petrol station or the nearby residential properties. It was however

not clear whether this was due to residents picking up the litter as stated in the objection letter. Environmental health has stated that no complaints have been received in the last year regarding the establishment, however were approval of this application to lead to an increase in litter and complaints; action could be taken.

The Local Planning Authority accepts that the increased opening hours of the establishment could lead to an increase in youths congregating around the area. Any residents complaints should be made to the relevant authorities for investigation, these complaints will be reviewed as part of any subsequent planning applications.

Both the Parish Council and the local resident who objected have stated that the proposal would not be of benefit to the local community. However this is not a material planning consideration.

The Parish Council have stated that the application does not comply with policy R7. However the proposal is not required to be assessed under policy R7 for two reasons; firstly the application site is not within a district or local centre and the establishment is already in existence. Due to the location of the restaurant, outside of the Glinton and Werrington village boundaries and not in a local or district centre none of the retained local plan retail policies are considered relevant and therefore the application will be assessed under new core strategy policy CS16. It is only the increase in opening hours that is being considered under this planning application.

c) The impact upon the character of the area

The restaurant is already in operation and the only change being applied for is an extension to the opening hours. This alteration is considered unlikely to lead to unacceptable harm to the character of the surrounding area. The site is outside both the Glinton and Werrington village boundaries and is in effect relatively isolated. The isolated nature of the site means that any increase in visitor numbers of traffic flows is unlikely to affect the residents of either village.

d) Impact on the transportation network

The area does not appear to suffer from any unacceptable levels of traffic or congestion in daylight hours when the network is at its busiest. Therefore extending opening hours into the night, when the network is at its quietest is unlikely to lead to unacceptable levels of congestion or harm to the transportation network.

The Local Planning Authority can see no reason why Glinton would experience increased traffic as a result of the proposed increase to the opening hours.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- a) It is recommended that the proposal will be approved for a period of 6 calendar months in order for the impact on the adjacent residents to be monitored.
- b) The additional noise and smells generated by the proposal are likely to be minimal and will not materially harm the amenity of near by residents. However a temporary permission allows for this to be reviewed.
- c) The isolated location of the application site outside of both the Glinton and Werrington Village boundaries would ensure that no harm is caused to the character of either village or the surrounding area.
- d) The additional traffic flows generated by the proposal are unlikely to result in unacceptable congestion or harm to the transportation network.
- e) The proposals are therefore considered compliant with policy CS16 of the Peterborough Core Strategy (DPD) 2011.

The Head of Planning, Transport and Engineering Services recommends that this application is APPROVED subject to the following conditions:

- C1 The extended opening hours hereby approved are permitted for a period of 6 calendar months from the date of this permission after which time they shall revert to the previous opening hours 05:00 - 24:00 Monday to Sunday.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- C2 No foul sewerage or trade effluent, including cooling water containing chemical additives, or vehicles washing water, including steam cleaning effluent, shall be discharged to the surface water drainage system.**

Reason: In order to preserve the natural environment, In accordance with policy U1 of the Peterborough Local Plan (First Replacement)

- C3 Deliveries to the restaurant shall take place only between 0700 to 2300 hours each day.**

Reason: In order to preserve the amenity of the occupiers of nearby dwellings; in accordance with Core Strategy Policy CS16 of the Peterborough Core Strategy (DPD) 2011.

- C4 All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment shall be submitted to and approved in writing by the Local Planning Authority before installation and shall be installed before the use hereby permitted commences.**

Reason: In order to preserve the amenity of the occupiers of nearby dwellings; in accordance with Core Strategy Policy CS16 of the Peterborough Core Strategy (DPD) 2011.

Copies to Councillors: Holdich, Lamb