



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 8th September 2011

Subject: Application 11/02376/FU Variation of condition number 25 of planning permission 99/21/10/95/FU to extend the opening hours 05.00hrs - 24.00hrs Sunday to Wednesday and 05.00hrs - 03.00hrs Thursday to Saturday at Low Road, Hunslet.

APPLICANT

Mc Donalds Restaurant Ltd

DATE VALID

23rd June 2011

TARGET DATE

18th August 2011

Electoral Wards Affected:

City and Hunslet

Yes

Ward Members
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

25. The opening hours of the premises shall be restricted to 05.00hrs to 24.00hrs Sunday to Wednesday and 05.00hrs to 03.00hrs Thursday to Saturday
26. Temporary period of one year to allow for monitoring and review

(All other conditions would be re-applied from application 99/21/10/95/FU)

Reasons for approval: It is not considered that the proposed extension of opening hours will harm the amenities of local residents or give rise to concerns over highway safety. In light of these factors it is considered that the proposal meets the terms of Policy GP5 and it is recommended that planning permission be granted.

1.0 INTRODUCTION:

- 1.1 This application is reported to Plans Panel for consistency. Previously Plans Panel have determined applications for variation of opening hours at this site including an application in 2008 for the proposal for the same as that now

before Members. The 2008 application was recommended for permission by officers but the Plans Panel resolved that planning permission should be refused (see paragraphs 4.3 and 4.4).

2.0 PROPOSAL:

2.1 Proposed is a variation on the existing operating hours which are:-

05.00hrs to 24.00hrs Sunday to Wednesday

05.00hrs to 01.00hrs Thursday to Sunday.

This application proposes:-

05.00hrs to 24.00hrs Sunday to Wednesday

05.00hrs to 03.00hrs Thursday to Saturday

2.2 The proposed variation in the hours is extending the closing hours by 2hrs on Thursday to Saturday from 01.00hrs to 03.00hrs. This proposal is for the same hours refused by Panel in 2008. However, the application has submitted further information relating to the amount of activity that the restaurant is likely to generate in the early hours and has asked that the proposal be considered in light of this information.

3.0 SITE AND SURROUNDINGS:

3.1 The application site is situated fronting Low Road, which forms the main A61 Leeds to Wakefield dual carriageway main road. The restaurant itself consists of approximately 220m² of floor space and contains a car park situated to the rear (north east/east). It also has a drive-through facility as well. Its entrance is on the north western side elevation and this faces towards a business unit.

3.2 The north eastern side of Low Road is generally commercial with a variety of other retail premises and industrial works buildings surrounding the site. To the western side of the A61, the site faces the grounds of St. Joseph's RC Church and diagonally opposite to the south west are residential dwellings at Whitfield Way. However, these properties are screened somewhat from the main road by a notable belt of landscaping.

4.0 RELEVANT PLANNING HISTORY:

4.1 21/10/95/FU Drive thru restaurant with car park and landscaping
Approved 27th October 1995

4.2 21/360/04/FU Variation of condition no 25 (opening hours) 06.00hrs to
4.00hrs Monday to Sunday.
Approved 2nd April 2005

4.3 08/02108/FU Variation of condition number 25 (opening hours)
05.00hrs – 24.00hrs Sunday to Wednesday
05.00hrs- 03.00hrs Thursday to Sunday
Refused 20th August 2008 (Panel)

4.4 This application was recommended for planning permission by officers but refused by Plans Panel on the following ground:

The proposed hours of opening would lead to an additional number of comings and goings from patrons using the premises in the late hours/early hours of each day. The associated noise and disturbance from such use, particularly in the early hours, would be significantly detrimental to residential amenity in the residential locality surrounding these premises. The application is therefore contrary to policy GP5 of the Unitary Development Plan (Review)

2006 and guidance contained in Planning Policy Statement 1 - Delivering Sustainable Development (2005)

4.5 09/02530/FU Variation of condition number 25 (opening hours)
05.00hrs – 24.00hrs Sunday to Wednesday
05.00hrs – 01.00hrs Thursday to Saturday.
Approved 22nd September 2009 (Panel)

4.6 11/00517/FU Variation of condition number 25 (opening hours)
Withdrawn 5th April 2011

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant withdrew application 11/00517/FU which requested the same hours as this application and has resubmitted with additional information to try and demonstrate that the additional extended hours will not generate additional activity that will cause a significant level of noise and disturbance.

6.0 CONSULTATION RESPONSES:

6.1 Neighbourhoods and Housing
Environmental protection team

No objection to the proposed extended hours.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notice posted on site 1st July 2011. Publicity expiry date is 22nd July 2011. No local or ward Member representation has been received.

8.0 PLANNING POLICIES:

8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

8.2 Unitary Development Plan (UDP) (Review 2006). The following policy is relevant:-

GP5 Seeks to ensure that development proposals resolve detailed planning considerations including amenity.

8.3 Planning Policy Statement 1: Delivering Sustainable Development (2005).
Planning Policy Guidance 24: Planning and Noise (1994)

9.0 MAIN ISSUES:

- 1 Amenity Considerations
- 2 Additional information submitted
- 3 Temporary period

10.0 APPRAISAL:

Amenity considerations

10.1 This application seeks to extend the opening hours of an established restaurant and takeaway. The restaurant was originally given permission in 1995 with a condition restricting opening hours. These were extended in 2004 and the proposal seeks to extend them further. The variation from the existing operating

hours is the extended hours on Thursday to Saturday from 01.00hrs to 03.00hrs. With the opening hours at 05.00hrs, in effect, the restaurant will be closed for two hours from Thursday to Saturday. The use has not been the cause of any complaints regarding noise and disturbance. The main noise arising from the use is likely to be that of vehicle movements. However the restaurant is sited on the very busy A61 Low Road and the car park is located to the rear of the premises. The drive-thru route goes around the building. However, the building is set at a slightly lower level than the road and there is hedge and tree planting between the restaurant and the road.

- 10.2 Given the significant separation between the restaurant and the nearest residential properties at 60m away (on Whitfield Way), as separated also by the main A61 carriageway and extensive landscaping fronting this road itself, it is not considered that the extra 2 hours late at night should raise cause for any residential amenity concern. It is also considered that at the times requested for additional opening, passing traffic will still be relatively frequent where the background noise levels will be mainly affected by this noise source as opposed to comings and goings and patron use of the car park/access/drive-through facilities.

Additional Information of support

- 10.3 The applicant has submitted additional information in order to gain a better understanding of how busy the restaurant will be, during the sought extended hours. The table attached in appendices shows the average transactional data for the restaurant. The table shows that between midnight and 1am the restaurant only draws approximately 10 customers. The data also confirms that there is a downward trend in transactions after 10pm. The expectation by the applicant is that this downward trend will continue during the extended hours and would expect a drop of between 30-40% per hour after 1am. Based on this projection this would result in only 7 transactions during 1am -2am and only 5 transactions between 2am to 3am. The data also confirms that the bulk of the existing trade takes place from the drive thru lane which has less associated noise in the form of opening and closing of car doors and stopping and starting of engines.
- 10.4 Based on the information submitted and the projected figures anticipated it is not expected that the restaurant will generate any significant levels of trade during the extended hours resulting in an increase in noise and activity.

Temporary period

- 10.5 In light of Members previously expressed concerns with regard to the potential for noise and disturbance to local residents the applicant has stated that they have no objections to the grant of a temporary permission for one year. This will allow the monitoring and review of the extended hours. The Panel may consider this to be an appropriate way forward in light of the particular circumstances of this case.

11.0 CONCLUSION:

- 11.1 This restaurant is located on the main busy A61 Low Road and is set amongst other commercial properties. The nearest residential properties are on the other side of this busy road approximately 60m away. The information submitted projects the activity generated reduces into the early hours of the morning. It is considered that the extension of hours should have no greater impact in terms of noise and disturbance for local residents. In addition the consultation

with Environmental Health has raised no objections to the proposed hours. In light of concerns that exist concerning residential amenity the grant of a temporary permission is recommended.

Background Papers:

Application file 11/02376/FU

Certificate of ownership:

Signed as applicant

APPENDICES

Total Average Transactions

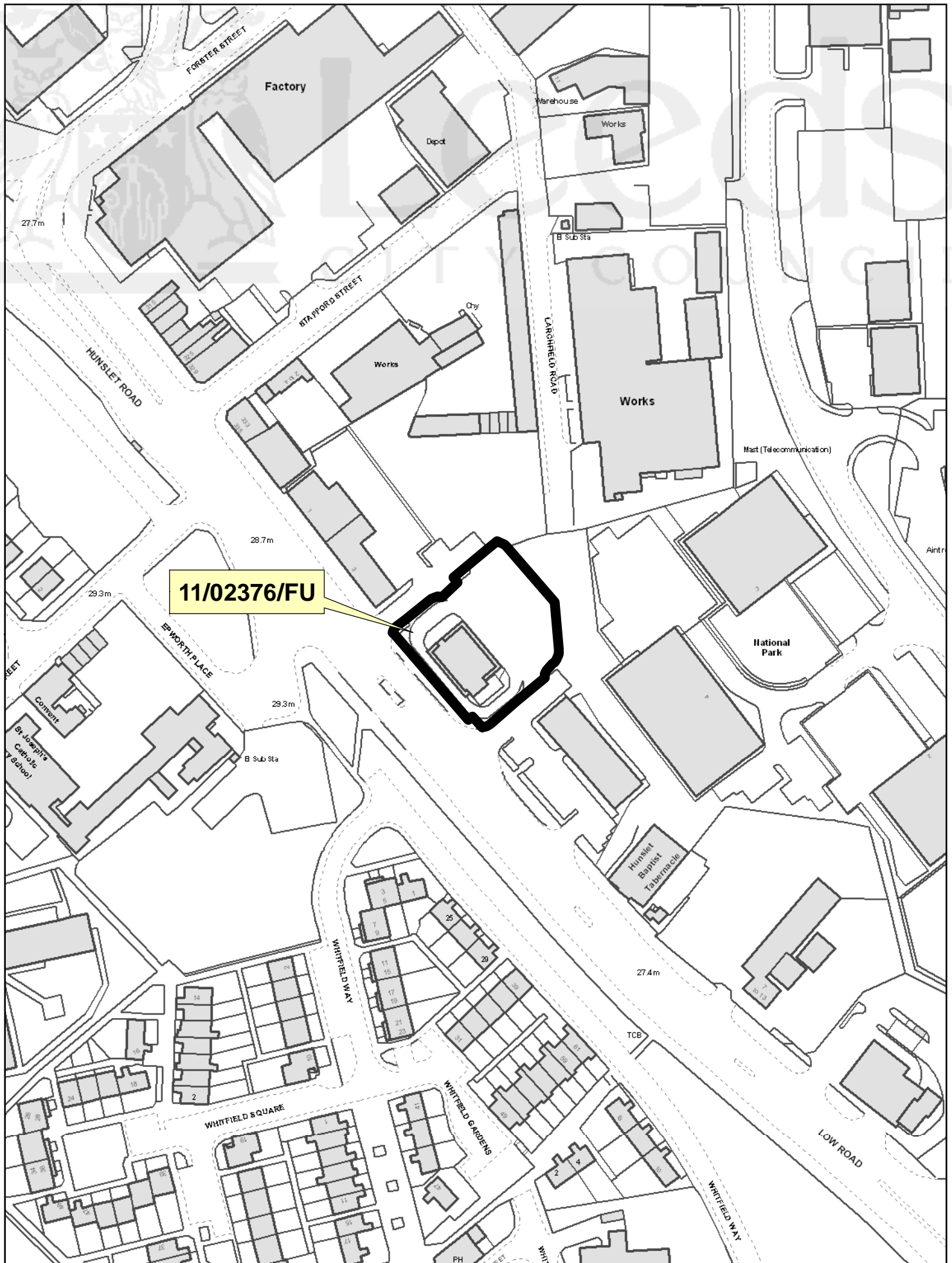
	9-10pm	10-11pm	11pm-midnight	Midnight- 1am
Monday	26	16	8	0
Tuesday	26	19	8	0
Wednesday	31	21	8	0
Thursday	33	24	11	0
Friday	36	30	15	10
Saturday	28	24	15	11
Sunday	25	19	7	0

Average Drive thru Transactions

	9-10pm	10-11pm	11pm- midnight	Midnight -1am
Monday	16	11	7	0
Tuesday	16	13	8	0
Wednesday	20	13	8	0
Thursday	22	14	10	0
Friday	21	19	15	10
Saturday	17	14	14	10
Sunday	17	12	7	0

Average Dine in Transactions

	9-10pm	10-11pm	11pm- midnight	Midnight -1am
Monday	10	5	1	0
Tuesday	10	6	0	0
Wednesday	11	8	0	0
Thursday	11	10	1	0
Friday	15	11	0	0



EAST PLANS PANEL

