



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 8th September 2011

Subject: Application 11/02542/FU Variation of condition number 9 hours of opening to be 05.00 to 23.00hrs Sunday to Wednesday and 05.00hrs to 0.100hrs Thursday to Saturday of planning approval 21/154/01/FU at Elland Road Holbeck.

APPLICANT

Mc Donalds Restaurant Ltd

DATE VALID

16th June 2011

TARGET DATE

11th August 2011

Electoral Wards Affected:
Beeston and Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

9. The opening hours of the premises shall be restricted to 05.00hrs -23.00hrs Sunday to Wednesday and 05.00hrs – 01.00hrs Friday and Saturday.

(All other conditions would be reapplied from application 21/114/05/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 The application is brought to Plans Panel for consistency. Historically Plans Panel determined the original drive-through application with opening hours in 2005, and variations of opening hours since the site has been in operation.

2.0 PROPOSAL:

2.1 This application seeks a variation on the existing opening hours which are:-

05.30hrs-23.00hrs Sunday to Wednesday

05.30hrs-24.00hrs Friday and Saturday.

The proposed opening hours are:-

05.00hrs – 23.00hrs Sunday to Wednesday

05.00hrs – 01.00hrs Friday and Saturday

2.2 In effect opening 30mins earlier every morning and staying open later by one hour on Friday and Saturday.

3.0 SITE AND SURROUNDINGS:

3.1 Mc Donalds Restaurant is situated in a square plot on the corner of Elland Road and Hoxton Mount with vehicular access taken off the latter. It has a customer car park and a drive-through facility circulating around the building. The closest corner of the site from the nearest residential dwellings (on Wesley Croft) is just under 60m away to the south. The front entrance of the restaurant itself (at its nearest point) is approximately 90m away from residential dwellings on Wesley Croft. These properties mark the commencement of the residential area. Otherwise the site is bounded by a Volkswagen car showroom and its outbuildings, undeveloped commercial land and the A643 which separates it from the backdrop of Leeds United AFC Football Ground. One of the Volkswagen buildings assists to an extent in hiding the restaurant from the clear view of many residential properties further south.

4.0 RELEVANT PLANNING HISTORY:

21/154/01/FU Detached restaurant with Drive Through.

Approved 04.09.2001 (Panel)

Opening hours 7.00hrs- 23.00hrs Sunday to Thursday

7.00hrs- 24.00hrs Friday and Saturday

21/114/05/FU Variation of condition 9 of 21/154/01/FU

Approved 02.06.2005

Opening hours 6.30hrs-23.00hrs Sunday to Thursday

6.30hrs-24.00hrs Friday and Saturday

08/00917/FU Variation of condition 9 of 21/154/01/FU

Refused 16th June 2008 (Panel)

Opening hours 05.30hrs -23.00hrs Sunday to Wednesday

(Requested) 05.30hrs- 03.00hrs Thursday to Saturday

08/04104/FU Variation of condition 9 of 21/154/01/FU

Approved 14th October 2008 (Panel)

Opening hours 05.00hrs -23.00hrs Sunday to Wednesday

(Requested) 05.00hrs- 24.00hrs Friday and Saturday

Opening hours 05.30hrs-23.00hrs Sunday to Wednesday

(Approved) 05.30hrs-24.00hrs Friday and Saturday

5.0 HISTORY OF NEGOTIATIONS:

Negotiations on the opening hours above.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Publicity carried out by site notices advertised on site 1st July 2011. Publicity expiry date 22nd July 2011.
- 6.2 Representation received from residential household at 8 Sunny View Avenue, with the following concerns
- Length of opening hours too long within residential area.
 - Longer opening hours will result in more litter.
- 6.3 Ward member representation received from Councillor Gabriel who objects as there will be an increase in litter in the area.

7.0 CONSULTATIONS RESPONSES:

Neighbourhoods and Housing

Environmental Protection Team

No objections to the proposed extension of opening hours.

Highways

No objections, the scheme raises no specific road safety concerns. The proposal is acceptable in highway terms.

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 The site is designated in the UDP under policy E4 (Employment Allocations). The following policies are considered relevant:-
- GP5: Seeks to ensure that development proposals resolve detailed planning considerations including amenity.
 - E4: Outlines provision for employment development to provide scope for job opportunities and an appropriate balance between homes and jobs.
 - T2: Development proposals should not create new, or exacerbate existing highway problems.
- 8.3 Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Guidance 24: Planning and Noise (1994)

9.0 MAIN ISSUES

1. Highway safety matters
2. Amenity considerations
3. Representations received

10.0 APPRAISAL

Highway safety matters

- 10.1 From a highway perspective, the proposal is not considered to represent any highway safety concerns. There will be some additional traffic generated from

comings and goings but the additional times specified should not cause any concerns for the local network. Highways have no technical objections as the proposed raises no specific road safety concerns and are considered acceptable in highway terms.

Amenity Considerations

Noise and disturbance:

- 10.2 There are residential properties towards the south of the site and the impact of the extended hours on their amenities needs to be taken into consideration. The variation of hours from the existing operating hours requests that the restaurant opens 30 minutes earlier every morning at 5.00hrs and on Friday and Saturday it stays open an hour longer and closes at 01.00hrs. The applicant has submitted information (table attached in appendices) which shows the number of customers visiting the restaurant in the last month during the operating hours. This information is shown by the hour. The applicant claims that trade tails off by about a third per hour after and before the first and last hours of the day and therefore the restaurant will only be drawing a modest amount of additional customers during the extended hours.
- 10.3 Taking this information into consideration and that the nearest residential property is approximately 60m away, and that since the restaurant has been built a large commercial development in the form of the Volkswagen showroom lies between the restaurant and the residential properties. It is considered that the traffic/activity the additional hours will generate is minimal. The distance of the nearest residential properties and that the commercial development lies as a buffer between the restaurant and dwellings and background traffic noise already exists with the A643 and M621 near to the site. The additional operating hours are not considered to substantially increase the noise and disturbance to residents. Environmental Health has not raised any objections to the proposed extension of hours.

Litter:

- 10.4 On the issue of litter it is not known that there is a direct correlation of or evidence that users of this McDonalds are specifically littering the local area. The applicant confirms that the restaurant carries out a number of trash walks within a 100 metres radius of the site in the morning, midday, late afternoon and at late evening (10.00 pm). The last patrol is dictated by security protocols and cannot be adjusted as a result of the proposed extension to hours. The morning litter patrol will be adjusted to coincide with the opening. An extended litter patrol is carried out throughout the housing estate after match days.

Representations received:

- 10.5 The representations received from a local resident and ward member raise concerns around noise and disturbance and litter the additional hours would generate. This is supported by the Local Ward member Councillor Gabriel. The litter and noise / disturbance are addressed above.

On balance it is considered appropriate to recommend approval to the extended hours. The proposed is considered acceptable under policy GP5 and guidance in PPG24.

11.0 CONCLUSION

- 11.1 The application is considered acceptable on grounds of amenity and highway safety considerations given its location and the surrounding context of the area. Given the Information submitted on the number of customers that are likely to visit the

Restaurant during the extended hours it is considered that the level of additional activity generated is minimal.

Background Papers:

Application file 11/02542/FU

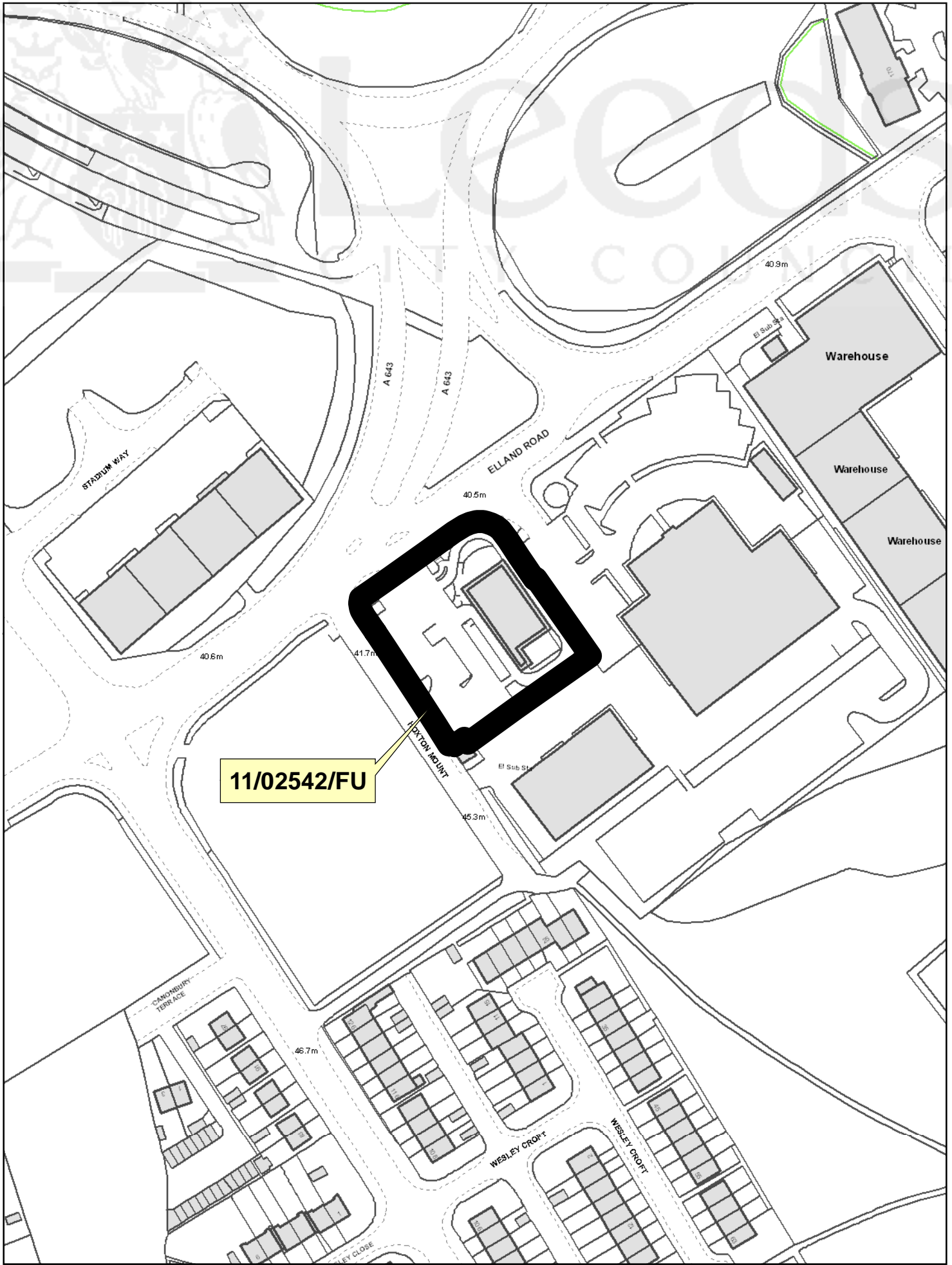
Certificate of ownership:

As signed by applicant.

APPENDICES

The Average transactional data below is taken from the past 1 months trading.

Hours	Monday	Tuesday	Wednesday	Thursday	Friday
5.30am to 6.00am	3	5	3	5	4
6.00am to 7.00am	11	15	13	15	16
7.00am to 8.00am	29	25	30	25	35
8.00am to 9.00am	31	28	26	27	35
9.00pm to 10.00pm	9	20	10	14	17
10.00pm to 11.00pm	6	8	8	11	19
11.00pm to 12.00am	0	0	0	5	9



11/02542/FU

EAST PLANS PANEL

