

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 13 April 2010
 Planning Application Report of the Head of Division

Application address:		McDonalds, Redbridge Road	
Proposed development Continued operation of McDonalds drive-through restaurant, not in accordance with permission 99/01046/FUL. Variation sought to condition 15 to extend opening hours from 7.30am - 11pm (Mon - Sat), and 10am - 11pm (Sunday and Public Holidays) to 6am until midnight (00.00) every day of the week.			
Application number	10/00156/FUL	Application type	FUL
Case officer	Anna Lee	Application category	Q28 - Other

Recommendation Summary	Grant Conditional Approval
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Reason for Panel consideration	Member request from Councillor Holmes
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Applicant: McDonalds Restaurants Ltd	Agent: Savills
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Date of receipt	08.02.2010	City Ward	Redbridge
Date of registration	12.02.2010	Ward members	Cllr McEwing
Publicity expiry date	11.03.2010		Cllr Holmes
Date to determine by	05.04.2010 OVER		Cllr Marsh-Jenks

Site area	n/a	Usable amenity area	n/a
Site coverage (developed area)	n/a	Landscaped areas	n/a
Density - whole site	n/a		

Residential mix	numbers	size sqm	Other land uses	Class	size sqm
Studio / 1-bedroom	n/a	n/a	Commercial use	n/a	n/a
2-bedroom	n/a	n/a	Retail use	A4	0.44ha
3-bedroom	n/a	n/a	Leisure use	n/a	n/a
other	n/a	n/a	other	n/a	n/a
Policy designation <i>see Appendix 1</i>	n/a				

Accessibility zone	high	Policy parking max	3 spaces
Parking Permit Zone	no	existing site parking	62 spaces
Cyclist facilities	None	car parking provision	62 spaces
motor & bicycles	None	Disabled parking	None

Key submitted documents supporting application			
1	Covering letter		
Appendix attached			
1	Local Plan Policy schedule		

Recommendation in full

Grant conditional planning permission.

Background

The development for McDonalds and KFC was granted conditional permission in 12.05.2000.

In 2001 planning application 01/00766/VC sought to vary the approved opening hours on Sundays and Bank Holidays from 10am to 11pm to 8am to 11pm. This application was approved by Members.

More recently, in 2008 a further extension of hours was sought to allow opening hours between 6am and midnight on a daily basis. This application was approved under delegated powers for a one year temporary period beginning on 10.02.2009.

The current application seeks to retain those hours on a permanent basis.

Site and surrounding context

The site is located at the junction of Wimpson Lane, Redbridge Road and Green Park Road. The main frontage to the site is to the heavily trafficked Tebourba Way/Redbridge Road flyover roundabout. The site currently houses McDonalds restaurant/drive-through and adjacent is a KFC restaurant/ drive –through.

The nearest housing is located 32m from the site boundary in Green Park Road.

The noise environment is dominated by vehicular traffic.

Proposed Development

The application seeks to permanently extend the opening hours from 7.30am - 11pm (Mon - Sat), and 10am - 11pm (Sunday and Public Holidays) to 6am until midnight (00.00) every day of the week. These are the hours that are currently be used at the Restaurant and have been since the temporary approval in February 2009.

Relevant Planning Policy

The planning policy to be considered as part of this proposal is scheduled in **Appendix 1** to this report.

Relevant Planning History

99/01046/FUL Redevelopment of the site by construction of two drive - through restaurants (variation to permission 990383/872. CAP 12.05.2000

01/00766/VC Variation of condition 15 of previous planning consent 99/01046/FUL to alter the opening hours on Sundays and Bank Holidays to 8.00am to 11.00pm. CAP 18.09.2001

08/01761/FUL Variation of condition 15 of planning consent ref 99/01046/FUL to allow opening hours between 6am and midnight daily. Temp consent 10.02.2009

Consultation Responses and Notification Representations

A publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice.

At the time of writing the report 4 representations had been received from surrounding

residents, and an additional 2 objections from elected Members one being the Ward Member.

The objections are set out below;

- Impact of traffic (speed and number);
- Congestion;
- Noise issues;
- Smell/odour;
- Litter; and,
- Congregation of youth.

Summary of Consultation comments

Highways Development Control

No objection to the increased hours as the car parking spaces provided exceed the current maximum standards even when taking into account the car park if for two restaurant units as this site lies in an area high accessibility. In addition, the area is surrounded by traffic restrictions prevent parking on the entrance roads in the form of double yellow lines.

Environmental Health (Noise and Pollution and Food Safety)

No objection is raised subject to the ventilation system being able to cope with the increased usage. The Environmental Health team can use their legislation to confirm the system is acceptable.

Planning Consideration Key Issues

The key issues for consideration in the determination of this planning application are:

- Whether the proposal would have an adverse impact on the neighbouring residential properties in terms of noise and highway issues.

Impact on residential amenity

The neighbours have put forward a number of concerns relating to traffic, noise, littering and anti-social behaviour. The use of the site has been operated using the proposed hours since at least early 2009 and none of these issues have been raised to the Planning department since 2008.

The permission in 2008 was granted on a temporary basis so that the Local Planning Authority could monitor any issues or concerns raised due to the extension of hours put forward. As stated no issues have been brought to the Planning department's attention in terms of the issues raised by representations received relating to this planning application.

The approval for the site in 1999 imposed various conditions relating to removal of waste from litter bins and a barrier to prevent the car parking area being used out of hours and are therefore are still enforceable. The imposed conditions should allay the concerns raised by residents in terms of anti-social behaviour and congregation of youths, as a number of residents have stated that youths are using it a race track and if the area was restricted this would not occur. In addition, if the waste is removed at the end of the day as required the rubbish seen in the area would reduce.

Environmental Health/Highways Development Control

Food Safety and Noise and Pollution teams have not objected to this proposal in terms of noise and disturbance. Only one complaint was received about noise disturbance from external speakers, which was resolved and no complaints have been received about litter/refuse accumulation/vermin.

The Highway Development Control team have not objected as the car parking area is sufficient and the parking restrictions in the area prevent highway safety issues as parking is not allowed in nearby roads.

Summary

The temporary one year consent was given to enable an assessment as to the impact the extended opening hours would have on the amenity of local residents.

During that period there are no records of any complaints having been received by the Planning Department.

Whilst the issues raised in the objectors letters are noted a reason for refusal relating to impact on residential amenity would be difficult to justify given the lack of problems identified during the 'trial' period. Therefore, on balance, it is not considered the proposal would conflict with policy SDP1(i) or SDP16 of the Local plan or CS13 of the Core strategy.

Conclusion

The application is recommended for approval subject to the attached amended planning conditions which were imposed on the 1999 scheme for the construction of the units.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2a, 2c, 2e, 4e, 4s, 5d, 6c, 6f, 6i, 6l, 7i, 7k, 7l, 7o, 7p, 7t, 7w, 7y, 7z, 8b, 9a and 9b.

AL 24.03.10 for 13.04.10 PROW Panel

RECOMMENDATION: CAP

CONDITIONS for 10/00156/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

02. APPROVAL CONDITION - Means of Enclosure

The existing means of enclosure approved by the Local Planning Authority, under drawing 318/A/10F, under condition 04 to permission 99/01046/FUL, shall be retained on site.

REASON

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

03. APPROVAL CONDITION- Storage/Removal of Refuse Material

The existing facilities for the storage and removal of refuse from the premises shall be retained at all times.

REASON

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

04. CONDITION APPROVAL- Parking/Loading/Unloading

The areas shown on the plan approved under permission reference 99/01046/FUL, for the parking of motor vehicles and motor cycles and the loading and unloading of vehicles shall be retained and reserved for those purposes at all times.

REASON

In the interest of highway safety and to achieve a satisfactory form of development.

05. APPROVAL CONDITION- Sight Lines

No means of enclosure, structure, nor additional soft planting exceeding a height of 600mm above ground level shall be placed in the sight lines shown on the plan originally approved under permission reference 99/01046/FUL.

REASON

In the interests of highway safety.

06. APPROVAL CONDITION - Barrier/gate onto Green Park Road

Within 28 days of the date of this Decision Notice, the developer shall submit a scheme of a barrier/gate on the access and egress from Green Park Road for approval in writing by the Local Planning Authority, unless any extended period is agreed in writing with the Local Planning Authority. Once approved, that scheme of works shall be implemented within 84 days of the date of this Decision Notice, unless any extended period is agreed in writing with the Local Planning

Authority. The barrier shall then be locked shut on a daily basis when the premises are closed for business at all times thereafter.

REASON

To protect the amenities of nearby residents from the potential for anti-social behaviour to occur in the car park areas, when the premises are closed for business.

07. APPROVAL CONDITION - Hours of Use

The premises to which this permission relates shall not be open for business outside the hours specified below:

06.00 am - 00.00 am Monday to Sundays and Bank Holidays (Every day of the week)

REASON

To protect the amenities of the occupiers of adjoining residential properties.

08. APPROVAL CONDITION – CCTV and external lighting

The CCTV and external lighting scheme as approved by the Local Planning Authority under permission reference 99/01046/FUL in its letters dated 18 May 2000 and 7 June 2000 shall be retained and operated at all times that the use is in operation.

REASON

To secure a satisfactory form of development in the interests of the amenities of the adjacent residential properties and in the interests of crime prevention.

09. APPROVAL CONDITION- Servicing of buildings/delivery of goods

Servicing of the buildings, hereby granted consent including the delivery of goods to the site shall take place only between the hours of 8.00 am and 11.00 am Monday to Saturdays.

REASON

In the interests of highway safety and to safeguard the amenities of the nearby residential properties.

10. APPROVAL CONDITION - External ventilation fans

External ventilation fans to compressors, acoustic shielding and sound attenuation measures, ducting to the flues or other plant and machinery or equipment used for the purposes of providing an adequate extract ventilation system, fitted as part of the implementation of permission 99/01046/FUL, shall be retained and operated at all times thereafter in accordance with the manufacturer's instructions.

REASON

In the interests of protecting the residential amenities of occupiers of nearby housing.

11. APPROVAL CONDITION - Litter Bins

All existing litter bins on the site shall be emptied at least once a day and at the cessation of business. These litter bins shall be retained at all times the drive-through restaurant is in operation.

REASON

In the interests of the visual amenities of the area.

12. APPROVAL CONDITION - Control of surface water

Prior to being discharged into any water course, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

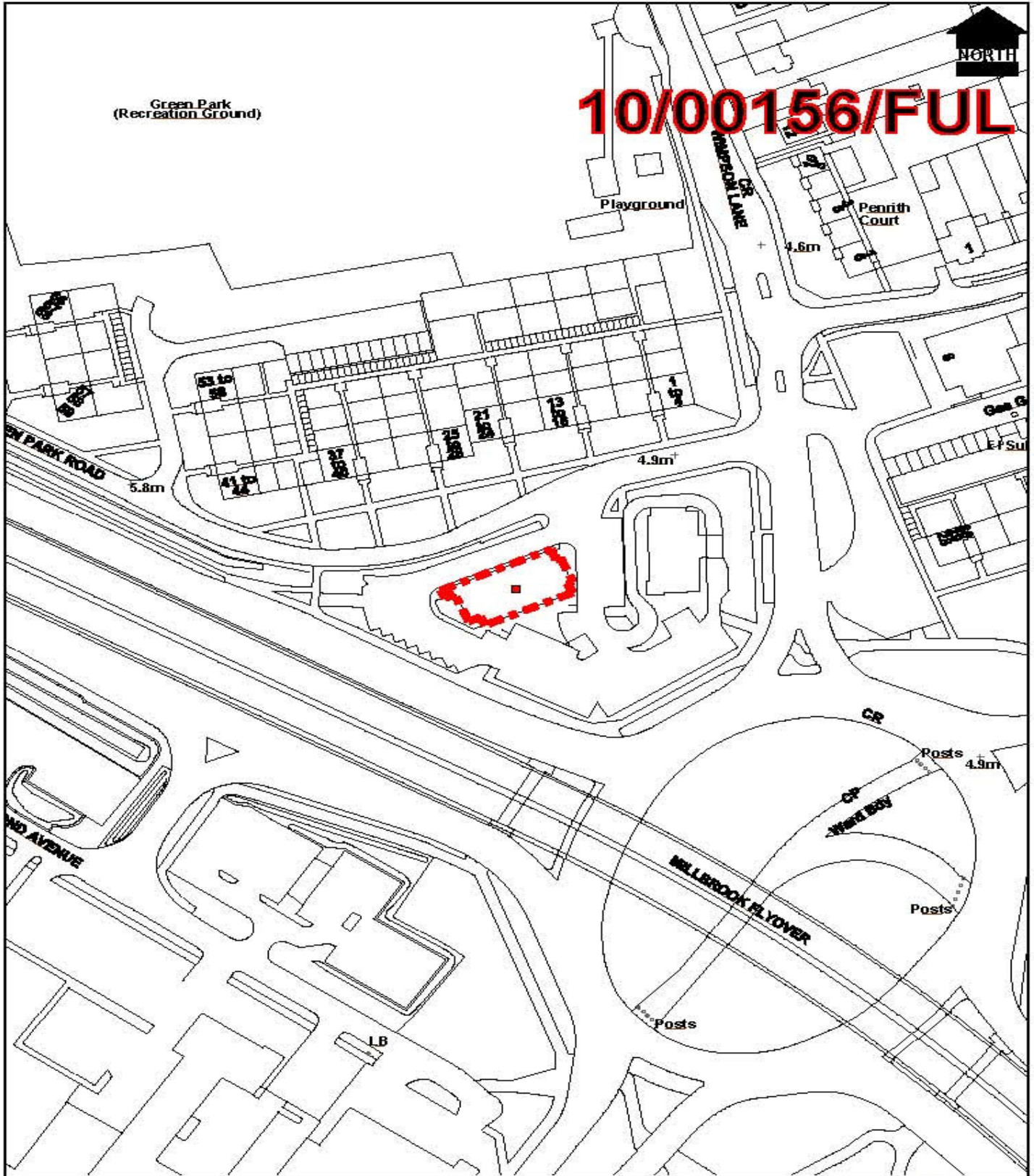
REASON

To prevent pollution of the water environment.

REASON FOR GRANTING

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding residential character, impact on residential amenity in terms of noise, traffic and litter have been considered and are not judged to have sufficient weight to justify a refusal of the application, where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (March 2006).
Policy CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).



10/00156/FUL

Scale : 1:1250

Date : 30 March 2010

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