

21 January 2022
L220121 - SAV Cover Letter



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SUBMITTED VIA PLANNING PORTAL REF: PP- 10536820

Dear Sir/ Madam,

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION: 104616/FO/2014/N1
MCDONALD'S RESTAURANT, 10 QUEENS ROAD, CHEETHAM HILL, MANCHESTER, M8 8UF
MCDONALD'S RESTAURANTS LTD**

We write on behalf of our client, McDonald's Restaurants Ltd, to apply for the variation of Condition 3 of Planning Permission: 104616/FO/2014/N1, which controls the operating hours of its restaurant at 10 Queens Road, in Cheetham Hill, Manchester.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), we enclose the following documents which comprise the application:

- This cover letter;
- The completed application forms and certificates;
- Drawing Reference: 105450105 Rev B - 'Site Location Plan';
- Noise Impact Assessment, prepared by Sustainable Acoustics;
- Site Management Plan; and
- Planning Permission: 104616/FO/2014/N1.

As the application has been submitted electronically via the Planning Portal website (PP- 10536820), payment for the application fee of £234.00 has been made electronically.

Relevant Planning History

On 10 April 2014, planning permission was granted for the "*Erection of two-storey (Use Classes A3/A5) drive-through restaurant facing Queens Road and erection of single-storey (Use Class A3) restaurant, together with formation of link road to connect the proposed development sites, and associated car parking, landscaping, boundary treatment and other associated works, following demolition of former Irish World Heritage Centre*", at 10 Queens Road, Cheetham Hill (App Ref: 104616/FO/2014/N1) (the '**2014 Permission**').

Condition 3 of the 2014 Permission restricted the opening hours of the premises and states:

"The A3/A5 premises and the A3 premises shall not be open outside the following unit specific hours:

*A3/A5 McDonalds Unit only 6:00 to 23:00 daily
A5 Frankie and Benny's Unit only 9:00 to 23:00 daily"*

On 17 Nov 2021, a planning application for '*Variation of planning condition 3 of planning permission 104616/FO/2014/N1 to allow 24 hour trading*' was refused (App Ref. 131454/JO/2021) (The '**2021 Application**'). The application was refused for the following reason:

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“The proposed extension to the opening hours to allow 24 hour trading, seven days a week would have a detrimental impact on the amenity of neighbouring residents, in particular residents on Queens Road and Signet Walk, due to the increase in the comings and goings to and from the premises, and associated noise, disturbance and increase in vehicular and pedestrian traffic late at night and during the early hours of the morning. The proposed extension to the opening hours is therefore considered to be contrary to the provisions of Core Strategy policies SP1, DM1 and C10 and Saved Unitary Development Plan policies DC10 and DC26.”

Despite the reason given for refusing the 2021 Application, the Council’s Environmental Health Officer (‘EHO’) raised no objection to the proposal, following assessment of the submitted Noise Impact Assessment (‘NIA’), however did request further information relating to the automated operation of the Communications Operation Device (‘COD’). Unfortunately, the 2021 Application was refused before that additional information could be provided, however has now been included with this submission.

The Proposed Development

This application seeks permission to vary Condition 3 of the 2014 Permission, to enable the McDonald’s restaurant to trade 24 hours per day, seven days a week.

As a result of the proposed changes the trading hours of the restaurant would change from 06:00 – 23:00 to 24 hours a day. The proposed extension to the operating hours is required to ensure that the restaurant better meets the needs of its customer base and enhances its overall efficiency.

The justification for the proposed development is set out below.

Justification for the Proposed Development

The proposed extension to the operating hours of the restaurant is not considered to result in any unacceptable impact on the existing levels of amenity. The restaurant is located within a predominantly commercial area, centring on Manchester Fort Shopping Park, but also comprising a number of other retail, office and industrial uses in the immediate vicinity.

Further to the above, the site is located at the junction of Cheetham Hill Road (A665) and Queens Road (A6010); both of which are arterial vehicular traffic routes which experience high levels of traffic volume throughout the day and night. This constant activity contributes towards established background noise levels in the immediate vicinity of the site.

The closest residential properties are situated to the east of the store, with the closest being approximately 35m away from the entrance to the restaurant, across Queens Road, and 50m away from the drive-thru ordering point. As such, the proposed extension is unlikely to have any adverse impact on the amenity afforded to hotel guests.

Based on experiences of other restaurants within the group, the bulk of the custom during the late-night hours will be drawn from passing trade rather than drawing people into the area. On the basis that these vehicles will already be on the local highway network, the proposal will not result in an increase in vehicular traffic or noise associated with movements.

Furthermore, a high proportion of customers who use the restaurant during night time hours are often taxis, shift workers, delivery vehicles and emergency service crews, none of whom are prone to causing anti-social behaviour or significant noise. In this regard, the proposed development is self-regulating and therefore the restaurant does not anticipate any unacceptable impact as a result of the extended hours.

Notwithstanding the above, a Site Management Plan ('SMP') has been prepared and submitted alongside this application which details the methods by which the operation of the site will be controlled during sensitive periods.

Noise Impact Assessment

A NIA was carried out at the site on 26 & 27 May 2021. The assessment found that the noise impact of the proposal from the COD unit, roof plant, vehicles and from people accessing the site would be likely to result in either "no impact" or "low impact" upon nearby residential amenity.

The NIA was submitted with the 2021 Application, which was assessed by the Council's EHO. After providing initial comments, the NIA was updated and updated comments provided by the EHO as detailed below:

"The report has been revised to include the maximum setting for the customer ordering device (COD) and the system shall be set so not to exceed setting 11 during the additional hours (we recommended from the hours of 23:00 to the current consented opening hours). The noise management plan submitted as appendix E within the report advised that that COD will not exceed setting 12, which will need to be amended to reflect the recommendations of the acoustic assessment so not to exceed setting 11.

Additionally, we will need details to confirm how this setting will be automatically applied during the above hours..."

In response to the above, the updated NIA commits to limit the COD volume to setting 11 during the additional hours of operation proposed, thereby ensuring that no impact on residential amenity will result. The COD volume is able to be adjusted so that the settings change automatically at set times of the day, thereby eliminating the potential for human error.

Although no anti-social behaviour ('ASB') was observed at the site during the survey, as a precautionary measure, the NIA includes a premises noise management plan ('PNMP') at Appendix B which when implemented will proactively minimise the risk of noise from ASB. At no stage during the consideration of the 2021 Application was any other issue with the proposed extended operation of the restaurant identified.

The NIA concludes that there is no technical basis for refusal of this application, on noise grounds; when applying the appropriate national policy on planning and noise and assessing using the relevant standard methodologies.

Site Management Plan

Submitted in support of this application is a Site Management Plan ('SMP'), which sets out details of the proposed measures which either have been or will be adopted by the restaurant to ensure the proposed development does not trigger any unacceptable impacts.

The SMP includes provisions which relate to the following points:

- CCTV;
- Litter;
- The COD Unit;
- Conflict Avoidance Training;
- Signage;
- Complaints Log Procedure; and
- Relationship with Local Police.

The restaurant will employ all necessary and reasonable endeavours to ensure that the provisions contained within the SMP are adhered to at all times. These actions ensure that the impact of the increased operation upon surrounding residents of the restaurant is minimised.

It is important to stress that the benefits delivered through the SMP would be applicable to all times of operation delivering betterment in terms of noise output and residential amenity.

The Applicant is happy for a condition to be imposed on any forthcoming planning permission, which requires the restaurant to operate in accordance with the provisions of the SMP.

Economic Benefits

The proposed development will have a series of positive impacts that contribute towards meeting the local and national policy objectives relating to economic growth and job creation. The extension of operating hours for the restaurant will create additional employment positions and additional working hours for existing employees at the site.

These positions help to reduce unemployment and increase earnings and disposable income which benefit other businesses. The proposed extension to the operating hours is proposed to ensure that the restaurant is better able to meet the needs of its customer base and enhance the overall efficiency of the restaurant.

Recent Appeal Decisions

It should be noted the Planning Inspectorate has recently granted permission, on appeal, for a number of similar applications across the country. In allowing the appeals and granting planning permission, the decisions make it explicit that great weight must be afforded to the available technical evidence, rather than placing unsubstantiated reliance upon a perception of impact.

In relation to a site in Ashford (Ref: APP/Z3635/W/18/3217395), the Inspector concluded:

"Whilst acknowledging the NIA, the Council consider that more weight should be placed on a more subjective, holistic assessment and the weight of opinion of local residents, some of whom raise concern regarding both existing and potential for increased noise levels (among other matters) associated with the proposal due to anti-social behaviour, noise from people and cars and noise from the COD. However, whilst I do acknowledge the considerable local feeling, these are all matters which were assessed within the NIA. There is very limited technical evidence from the Council to dispute the findings of the NIA."

The substantial body of appeal evidence emphasises the importance of making decisions on planning applications using informed, quantitative noise data. As it relates to the current application, the available noise data in fact demonstrates that the proposed extension of operating hours is acceptable in all regards.

Summary and Conclusion

This application seeks permission for the variation of Condition 3 of Planning Permission: 104616/FO/2014/N1, to allow the McDonald's Restaurant at 10 Queens Road, in Cheetham Hill, to operate 24 hours a day, seven days a week.

The proposed extension is required to ensure that the restaurant is better able to meet the demands of its established customer base and enhance its overall efficiency.

As there are no unacceptable impacts, we respectfully request that this application will be approved and that planning permission is granted for the variation of Condition 3 to Planning Permission: 104616/FO/2014/N1.



We trust that the information provided above is sufficient for the Council to register and consider this application. We will endeavour to contact you within the next few days to establish your timetable for decision making. In the meantime, should you require any clarification or additional information, please do not hesitate to contact Brad Wiseman or Heloise Whiteman at these offices.

Yours faithfully,

A handwritten signature in black ink that reads "Savills". The script is fluid and cursive, with the letters "S", "a", and "v" being particularly prominent.

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