

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17 June 2020
Application Number	19/12153/VAR
Site Address	McDonald's Restaurant 235 Bradley Road Trowbridge BA14 0AZ
Proposal	Variation of condition 3 of W/96/00587/FUL to modify the opening hours to 06:00-23:00 Monday to Saturday
Applicant	McDonalds Restaurant
Town/Parish Council	Trowbridge Town Council
Electoral Division and Ward Member	Trowbridge Drynham
Grid Ref	385,495 156,022
Type of application	Variation of condition
Case Officer	David Cox

Reason for the application being considered by Committee

The Local Member, Cllr Andrew Bryant, has requested that should officers be minded to permit this application, it should be brought before the elected members of the area planning committee for its determination to consider the impact upon local residences in respect of noise, smell, traffic and pollution.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, to consider the recommendation that the application should be approved.

2. Report Summary

The main issues discussed in this report are as follows:

- The Principle of the Development
- Impact on neighbouring amenity

3. Site Description

The application site comprises of the McDonalds restaurant which is located within the Spitfire Retail Park on Bradley Road, Trowbridge. It has a drive through facility where orders are placed on the eastern side of the building and paid for and collected on the western side of the building facing the residential properties on the opposite side of Bradley Road. The residential properties immediately opposite are approximately 55 metres from the McDonalds building. No 134 (opposite the junction into the retail park) is approximately 40 metres away.

To the south, also within the Retail Park are Costa Coffee and KFC. Costa Coffee does not have a drive through but has permitted opening hours (under application 19/08237/VAR) of 06:00-19:00 Monday-Saturday (including Bank Holidays) and 08:00 -18:00 on Sundays. Deliveries are not allowed between the hours of 19:00 to 06:00 Monday-Saturdays nor before 08:00 or after 18:00 on Sundays.

KFC, also has a drive through but has varying opening hours but currently does not open earlier than 10:00 and does not close later than 23:00.



Site Location Plan with Costa Coffee and KFC to the south

4. Planning History

W/96/0586/FUL – Single Storey Restaurant with Drive-Through Facility (A3) with associated landscaping and car parking – Permitted 19 September 1996 (this is the existing McDonalds building).

Condition 3 restricted the use and servicing to the hours of 07:30 – 23:00

14/03456/FUL - Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines and associated works to the site. One tree to be removed with the planting of new tree. Installation of 2 no. Customer Order Displays – Permitted 21 May 2014.

This application sought to change the drive through road layout on the eastern side to allow for two order points, which has been implemented on site.

16/11877/VAR - Variation of Condition 03 (hours of operation) of planning permission W/96/00586/FUL – Refused 6 February 2017. The proposed hours were 06:00 to 24:00. This application was not appealed.

“The proposed extended hours of operation by reason of increased activity by customers, staff and deliveries beyond the existing hours, would give rise to a loss of amenity to the existing nearby residential development, contrary to CP 57 of the adopted Wiltshire Core Strategy.”

5. The Proposal

The proposal is materially different to 16/11877/VAR in that this application only seeks to amend the morning hours only. The proposed hours are 06:00-23:00 Monday to Saturday.

On Sundays the existing restriction of 07:30-23:00 would remain.

6. Planning Policy

Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy); CP2 (Delivery Strategy); CP3 (Infrastructure Requirements); CP29 (Trowbridge Area Strategy); CP57 (Ensuring High Quality Design and Place Shaping).

The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)

7. Summary of Consultation Responses

Trowbridge Town Council – Objection

The original condition remains pertinent and should not be changed

Wiltshire Council Environmental Health Officer: No objection

8. Publicity

A site notice was displayed on 20 January 2020 and 13 neighbour notification letters were sent. Following this consultation five representations were received (three objections and two letters of support) which can be summarised as follows:

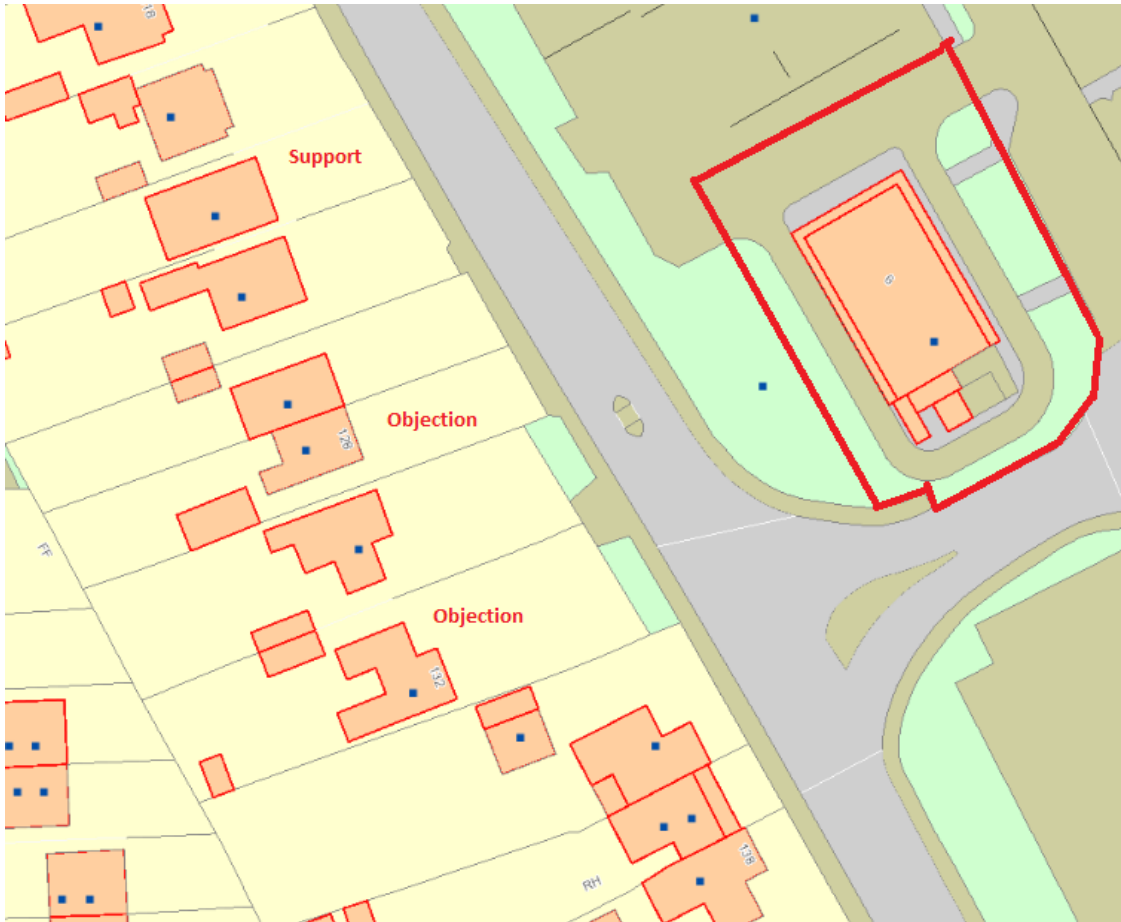
Support:

- I'm an early starter and am often frustrated by the late 0730 start. This would help me and others start their day at a reasonable hour. Many other tradesmen agree with me
- We live opposite the Spitfire Estate and we have absolutely no issues with the proposed start time of 6am. If it was 24 hours though we would object
- Costa Coffee opens at 6am
- Traffic on Bradley Road starts at 5am anyway.
- Don't live opposite a retail park and moan about it

Objection:

- We live opposite and we strongly oppose the application to open at 6am. There would be too much increased activity and noise at that time of the morning and would be totally unacceptable
- The original permission set the time at 0730 for a reason; being that its near residential premises and that the business would have an impact on nearby residents

- Opening earlier would lead to staff arriving earlier for work, presumably around 5am creating more noise
- Customers would start arriving before 6am, creating more noise
- The supporting statement is complete nonsense



Map showing where the immediate representations were received from

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge (CP29) area.

9.1 Principle of the Development

9.1.1 The Wiltshire Core Strategy (WCS) promotes through Strategic Objective 1, to deliver a thriving economy “encouraging economic vitality, providing local jobs for Wiltshire’s population”. McDonalds is an existing business located within an established retail park and this proposal would help retain existing jobs whilst also allowing for longer hours of work. The principle of development is therefore unobjectionable.

9.2 Impact on neighbouring amenity

9.2.1 WCS core policy 57 (vii) states;

“Development must have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants including the consideration of pollution e.g. noise and fumes.”

9.2.2 The concerns around the previous application mainly related to anti-social behaviour, police being called, noise disturbance and ‘boy racer’ congregation – activities that would have been associated with the late-night opening, which is no part of this application.

9.2.3 The Environmental Health Officer has looked at previous noise complaints, and the only issues reported from McDonald’s itself related to an alarm being tested in the morning when managers arrived on site to open the restaurant. McDonalds have now confirmed that the alarm has now been reduced in volume and is now inaudible outside the restaurant. The Council’s Environmental Health Officer is satisfied and has no objection to the proposal.

9.2.4 In these circumstances and given that the restaurant is on the opposite side of the road, it is not considered that extending the opening hours in the morning would have a significant adverse impact on the amenity of occupants of nearby residential properties.

9.2.9 Other material changes to the context include the fact that in 2019, application 19/08237/VAR allowed the adjacent Costa Coffee to open from 6am, so this application would bring the opening hours in line with this outlet and would ensure consistent treatment of operators. Finally, the current covid-19 situation brings the economic benefits into the equation, as well as assisting social distancing by spreading the customer demand over a slightly wider time frame.

10. Conclusion (The Planning Balance) -

It is considered that the proposed earlier opening hours will not have any significant adverse impact on the amenity of residents of properties on the opposite side of the road, and this, combined with the economic benefits, justifies a favourable response to the application.

11. RECOMMENDATION: Permit with the following conditions

1. The use hereby permitted shall only take place between the hours of 06:00-23:00 Monday-Saturday (including Bank Holidays) and 07:30 - 23:00 on Sundays. Deliveries shall not take place between the hours of 23:00 to 06:00 Monday-Saturdays nor before 07:30 or after 23:00 on Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan and Covering Letter – both received 23 December 2019.

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE TO APPLICANT: The applicant is respectfully advised to consider adding or making more prominent, advertisements that encourage customers to not have loud music or radios when using the drive through.

INFORMATIVE TO APPLICANT: The applicant is also respectfully advised to consider to directly encourage staff who drive to McDonalds to park as far away from Bradley Road as reasonably possible in order to reduce potential noise disturbance on neighbouring amenity.