

Application Number	09/0977/S73	Agenda Item	9.1
Date Received	21st October 2009	Officer	Mrs Angela Briggs
Target Date	16th December 2009		
Ward	Abbey		
Site	639 Newmarket Road Cambridge Cambridgeshire CB5 8WL		
Proposal	Variation of Condition 6 of planning ref: C/00/0222 to allow restaurant to trade between the hours of 6am-11pm seven days a week for 12 month temporary period.		
Applicant	C/O Agent Mr Baldip Basi 23 Furzton Lake Shirwell Crescent Furzton Milton Keynes MK41GA		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 McDonalds Restaurant and drive-thru stands on the north-east corner of the roundabout junction of Newmarket Road with Wadloes Road, close to the eastern edge of the City. The restaurant building stands on a north-south axis with its southern end facing Newmarket Road. The main car parking areas are between the building and Wadloes Road (from which access is taken) and north of the building.
- 1.2 To the east are a pair of shops and then the Cambridge Technopark, and to the north a nursery school and beyond that housing. To the west, on the far side of Wadloes Road, is housing facing Newmarket Road and Wadloes Road. South of Newmarket Road are some flats and a small parade of shop with flats over and a library. Diagonally across the roundabout junction is public open space.
- 1.3 Newmarket Road is the main highway bringing traffic too and

from the eastern side of the City and the villages and towns beyond. The area is largely residential in character though there are also employment uses a little further to the south and east.

- 1.4 The site falls does not fall within a Conservation Area or the controlled parking zone. It does fall within the Barnwell Road Local Centre.

2.0 THE PROPOSAL

- 2.1 The section 73 application seeks planning permission to undertake the development of planning permission C/00/0022/FP, without complying with condition 6 of that permission, which states:

“6. The restaurant with drive-thru facility shall only be open to members of the public between the hours of 7am and 11pm.
Reason: In the interests of residential amenity”

- 2.2 The letter accompanying the application explains that McDonald's Restaurants Ltd seek to vary condition 6 to enable the restaurant to be open between 06.00am and 11.00 seven days a week for a 12 month temporary period, a one hour extension in the morning. No change is sought to the hour of closing or to hours when deliveries may be made. The letter goes on to state that the applicants entered into pre-application discussions with the Council and understood that officers had no concerns about the proposal provided it was for a temporary period only and that neighbours and was councillors were consulted. A consultation with Councillors and local residents was duly held, with four residents and one Councillor attending.
- 2.3 The letter goes on to advise that after the meeting the applicant agreed that no deliveries would be made before 7am (as existing) and that the car park would be gated to ensure that its use outside opening hours would not occur. The letter suggests conditions to require this would be acceptable to the applicant.
- 2.4 The letter goes on to suggest that morning hours are less sensitive than late evening hours (when the young can congregate) and that most customers will use the site as part of their journey to work. Given that the site is on a busy

intersection, experiencing above average vehicular movements and that the bulk of custom is drawn from passing trade(vehicles already on the network) it is not expected that there will be any increase in traffic or associated noise.

3.0 SITE HISTORY

Reference	Description	A/C,REF,W/D
C/00/0022/FP	Demolition of public house and Erection of new Class A3 restaurant	A/C
There have then been a series of advertisement applications not of immediate relevance, followed by;		
08/1143/FUL	Extensions to restaurant	A/C
08/1511/FUL	Alteration to Drive-thru	A/C
08/1684/S73	variation of condition to allow the restaurant to trade between the hours of 6am and 11pm	W/D

PUBLICITY

- 4.1 Advertisement: No
 Adjoining Owners: Yes
 Site Notice Displayed: N

5.0 POLICY

5.1 Central Government Advice

5.2 PPS1 Delivering Sustainable Development (2005): Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 PPG13 Transport (2001): This guidance seeks three main objectives: to promote more sustainable transport choices, to

promote accessibility to jobs, shopping, leisure facilities and services, by public transport, walking and cycling, and to reduce the need to travel, especially by car. Paragraph 28 advises that new development should help to create places that connect with each other in a sustainable manner and provide the right conditions to encourage walking, cycling and the use of public transport.

5.4 Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.5 East of England Plan 2008

ENV7 Quality in the built environment

5.6 Cambridge Local Plan 2006

3/4 Responding to context

4/13 Pollution and Amenity

6/7 Shopping development and change of use in District and Local Centres

6/10 Food and drink outlets

6.0 CONSULTATIONS

6.1 Cambridgeshire County Council (Engineering): No significant affect effect on the public highway.

6.2 Environmental Health Officer: No objection, but recognises the potential for disturbance to local residents from activities on the site, particularly before 7am. It will be important to ensure that even for a temporary period this does not occur. If the variation is approved it be subject to a condition prohibiting deliveries to and collections from the premises before 7am on any day, and that the drive-thru facility also not be permitted to operate before 7am on any one day.

6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:

- 19, 23, 27, 33, 39 and 53 Wadloes Road

7.2 The representations can be summarised as follows:

- Traffic – Wadloes Road is a traffic area suffering rat-running and congestion. The extension of the opening hours would mean that Wadloes Road residents would continue to suffer problems but starting at 6am, 7 days a week for 52 weeks of the year, with no respite.
- Car parking is inadequate. Large lorries park illegally on double yellow lines, causing obstruction in the entrance to Wadloes Road, affecting traffic flow on Newmarket Road; parking has happened on zig-zag lines by the zebra crossing, making it dangerous to use. Wadloes Road is over used and there have been serious accidents.
- Noise pollution – Residents continue to suffer noise pollution with inadequate control by the operator allowing ‘boy racers’ to drive round the car park when the premises is closed.
- The noise of refuse and delivery vehicles – noise at an earlier hour would only compound this problem and is unacceptable in a location where there are already high noise levels.
- Litter – This has always been a major problem in Wadloes Road and despite attempts to remedy it there has not been a long enough demonstration to convince residents the problem has been overcome. Litter is unsightly and encourages vermin.

7.3 These problems combined will just add to the misery residents already have to suffer.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Residential amenity

Residential Amenity

- 8.2 The site is located on a major artery and at a place where vehicles slow and then accelerate away around the roundabout. These two patterns mean that for residents living in close proximity to the junction there must already be noise problems. The introduction of this site and use, rather than the previous public house must have changed the pattern of noise experienced by local residents. Opening at 7am, as is currently the case, clearly does cause some local residents to suffer disturbance at an hour when they might prefer not to be disturbed. Making the start time of the operation, when it is open to customers, 6am rather than 7am is, in my opinion, bound to have implications for local residents. This will in all probability, as the applicants explain, be people already on the network, however it is also quite possible that people becoming aware of the facility would deviate, albeit not necessarily a great distance to visit the restaurant. I consider that a reasonable proportion of custom will be from drivers of lorries and vans who may not be able to use the off-street parking and are therefore likely to park in the street in greater proximity to the houses of local residents, particularly those opposite the site. Whilst I understand the applicant's argument that this should perhaps be demonstrated through the grant of a temporary permission for a year to show what the impact actually is, I am of the opinion that in the absence of good data demonstrating what the current position is through a survey carried out over an extensive period (3 months), it would not be appropriate to open the premises even earlier in the morning. Earlier opening will introduce new parking, turning and manoeuvring in the locality (and all the associated noise of slamming doors and people talking) between 6am and 7am, but also increase the activity in the subsequent hour, 7am-8am, when at least at the weekends, people would rather not be disturbed.

9.0 CONCLUSION

- 9.1 I am of the opinion that the applicant has not demonstrated that the introduction of more extensive opening hours can be achieved without demonstrable harm to neighbours and on that basis I am of the opinion that the application should, in its

current form, be dismissed.

10.0 RECOMMENDATION

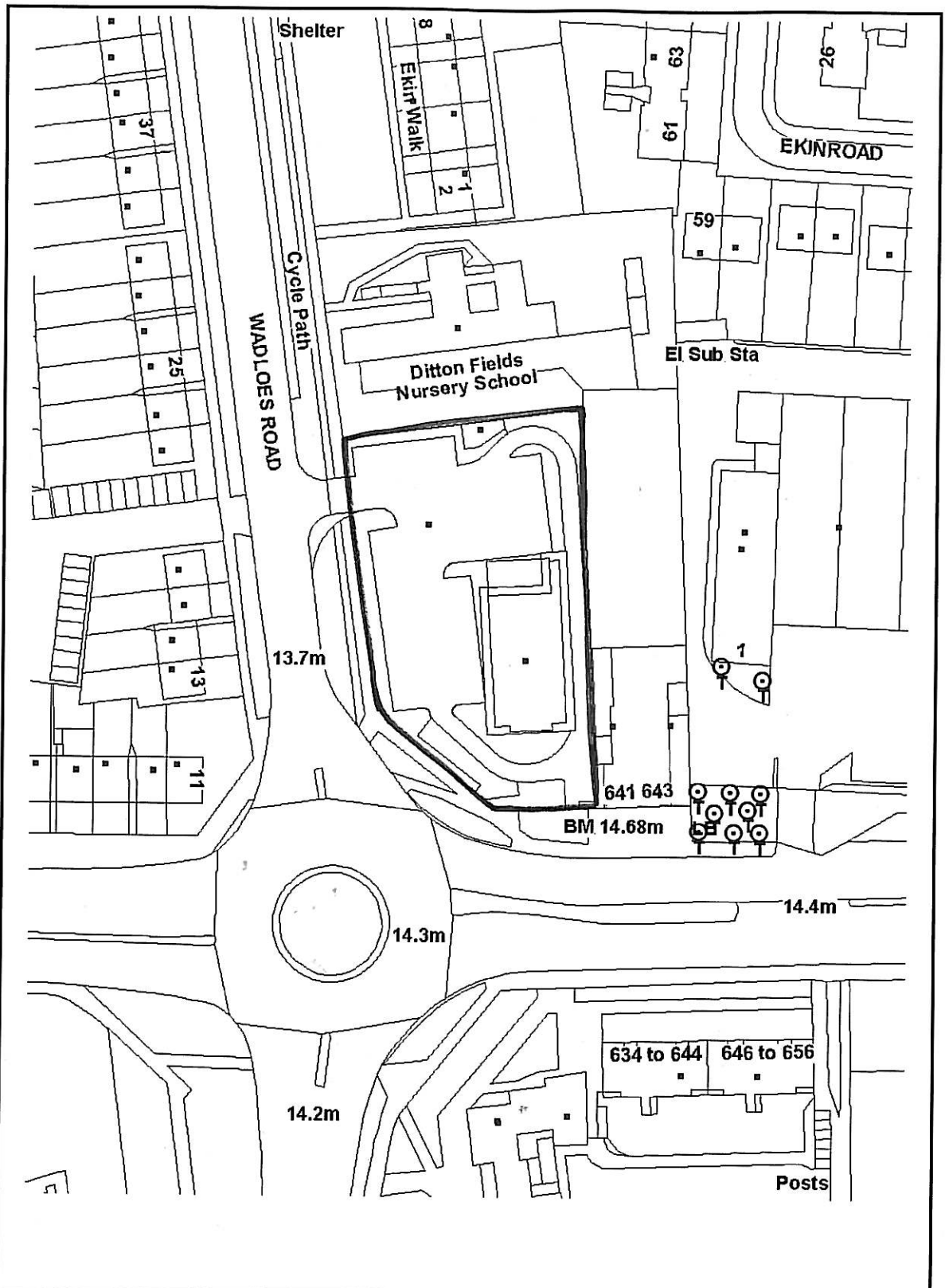
REFUSE for the following reasons:

1. The proposed extension of hours allowing the premises to be open from 6am is unacceptable in that the applicant has not demonstrated that such extended opening hours could be achieved without significant adverse impact upon nearby residents resulting from movements associated with the extended opening hours. For this reason the proposal is unacceptable and contrary to policy 4/13 of the Cambridge Local Plan (2006).

Under Section 100D of the Local Government Act 1972, the following are background papers for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses exempt or confidential information
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



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