



Planning Committee Date	7 January 2026
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	25/04141/S73
Site	639 Newmarket Road Cambridge Cambridgeshire CB5 8WL
Ward / Parish	Abbey
Proposal	Section 73 of the Town and Country Planning act 1990 (as amended) application for permission to develop land without compliance with condition 6 of planning permission: C/00/0222/FP for demolition of existing public house and erection of new class a3 restaurant and associated drive-through facility together with alterations to existing parking area, including closure of existing access and creation of new access onto Wadloes Road McDonalds restaurant, 639 Newmarket road, Cambridge, CB5 8WL.
Applicant	McDonald's Restaurants Limited
Presenting Officer	Melissa Reynolds
Reason Reported to Committee	Called-in by Cllr Naomi Bennett, Delegation Panel determined that the application be considered by planning committee
Member Site Visit Date	N/A
Key Issues	1. Residential amenity (noise and light disturbance) 2. Traffic
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks to vary condition 6 of planning permission ref. C/00/0222/FP, which currently limits the hours of opening of the fast-food restaurant to 7am-11pm, seven days a week. The increase sought is an additional hour, opening earlier at 6am.
- 1.2 Objections have been received from local residents and a ward councillor primarily on grounds relating to traffic, highway safety and residential amenity (noise and disturbance, odours).
- 1.3 Officers recommend that the Planning Committee **refuse** the application.

2.0 Site Description and Context

None-relevant		Tree Preservation Order	X
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1 and no surface water	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre	X	Article 4 Direction	
Lords Bridge	X	Cambridge Airport Safeguarding Zones (Any structure greater than 10m above ground level)	X
SSSI Impact Risk Zone	X		

*X indicates relevance

- 2.1 McDonalds Restaurant and drive-through 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. A drive-through route runs along the northern, eastern and southern sides of the building, adjacent to the boundaries.
- 2.2 To the east is a hot food take away unit (Papa John's) with some residential to the rear (no. 639 Newmarket Road) and then the Cambridge Technopark. To the north is housing at Nursery Close and beyond. 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 a CIP project under construction for flats.

- 2.3** Newmarket Road is the main highway bringing traffic to 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.

3.0 The Proposal

- 3.1** Section 73 of the Town and Country Planning act 1990 (as amended) application for permission to develop land without compliance with condition 6 of planning permission: C/00/0222/FP for demolition of existing public house and erection of new class A3 restaurant and associated drive-through facility together with alterations to existing parking area, including closure of existing access and creation of new access onto Wadloes Road McDonalds restaurant, 639 Newmarket road, Cambridge, CB5 8WL.
- 3.2** The description was amended from 'S73 to vary condition 6 (Hours of operation) of planning permission C/00/0222 (Demolition of existing public house and erection of new class A3 restaurant with associated drive-through facility together with alterations to existing parking area, including closure of existing access and creation of new access onto Wadloes Road) **to allow the restaurant to trade from 06:00 - 23:00, seven days a week.**' at the agent's request. An additional period of consultation has been undertaken. It does not alter the effect of the proposal, which is to extend the operating hours from 07:00-23:00, seven days a week by an hour to 06:00-23:00, seven days a week.
- 3.3** The application is supported by a Noise Impact Assessment by Sustainable Acoustics (Report No. 25-0052-0 R01.1) in August 2025. Mitigation measures to alleviate noise impacts are included in the report, including:
- 3.3.1 An extension to the height of the barrier (for the Communications Operating Device (COD) system, aka Intercom, and vehicles) to 3m high for the entire length of boundaries to the drive-through.
 - 3.3.2 Time restrictions to one of the drive-thru lanes.
 - 3.3.3 Replacement of the roof-based extractor plant with a quieter model.
 - 3.3.4 A Premises Noise Management Plan (PNMP).

No further details are set out e.g. of the specific fence type or plant.

4.0 Relevant Site History

Reference	Description	Outcome
21/00333/FUL	Installation of 2 rapid electric vehicle charging stations within the car park	PERM dated 07.07.2021

	and conversion of 2 existing parking spaces to EV charging bays	
19/1108/ADV	Installation of 3 freestanding double digital menu boards, 1 freestanding single digital menu board, and 1 15" digital booth screen (all internally illuminated)	PERM dated 03.10.2019
17/076/TTPO	Tree works: reduce cherries and limes, remove deadwood from maple, lift crown of walnut tree over drive-through	TSPLIT dated 18.05.2017
16/1556/NMA	Non-Material Amendment to reconfigure bike racks for pedestrian access	PERM dated 04.10.2016
16/1215/NMA	Non-Material Amendment to reconfigure patio	PERM dated 13.07.2016
16/0719/ADV	Relocation of 1 existing internally illuminated fascia sign	PERM dated 07.06.2016
16/0718/FUL	Refurbishment and reconfiguration of restaurant, including extensions totaling 18.5 sqm and relocation of entrance door	PERM dated 07.06.2016
14/0507/S73	Variation of condition 6 to allow restaurant to operate between 06:00 and 23:00 seven days a week	REFU dated 27.05.2014
13/0570/ADV	Relocation of height restrictor monolith and installation of internally illuminated signs and customer order displays	PERM dated 17.06.2013
13/0569/FUL	Reconfiguration of drive-thru lane and car park, installation of 2 Customer Order Displays, booth extension, and signage amendments	PERM dated 26.07.2013
11/1221/S73	Variation of condition 6 to allow restaurant to trade 06:00–23:00 seven days a week	REFU dated 06.12.2011
09/0977/S73	Variation of condition 6 for temporary 12-month period to allow trading 06:00–23:00	REFU dated 21.12.2009
08/1684/S73	Variation of condition 6 to allow restaurant to trade 06:00–23:00	WDN dated 03.02.2009
08/1511/FUL	Alteration to drive-thru for side-by-side order point and installation of Customer Order Display	REFU dated 23.12.2008
08/1510/ADV	Alteration to drive-thru for side-by-side order point and installation of Customer Order Display	REFU dated 24.12.2008
08/1143/FUL	Extensions to restaurant and outdoor patios, landscaping, and site layout	PERM dated 13.10.2008

08/1139/ADV	Installation of fascia signs, freestanding signs, height restrictor sign, banner signs, and customer order display	PRPA dated 24.09.2008
C/00/0772– C/00/0777	Various illuminated and non-illuminated signage applications	APC dated 04.09.2000
C/00/0222	Demolition of existing public house and erection of new class A3 restaurant with associated drive-through facility	APC dated 13.09.2000
C/99/0236	Creation of vehicular access from Wadloes Road	WDN dated 19.10.2000

4.1 The McDonalds was first permitted in 2000. On three previous occasions the applicant has sought to vary the opening times. On each occasions these applications were refused on grounds relating to noise and light spill impact and nuisance to neighbours, harming residential amenity. See full reasons (below):

- 4.1.1 09/0977/S73 - 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).
- 4.1.2 11/1221/S73 - The proposed extension of hours allowing the premises to be open from 6am is unacceptable because the extended opening hours will lead to additional light spill and noise from vehicles and customers which would have a detrimental impact upon the level of amenity which nearby residential properties could reasonably expect to enjoy at this hour of the morning. For this reason the proposal is contrary to East of England Plan (2008) policy ENV7 and policies 3/4, 4/13 and 6/10 of the Cambridge Local Plan (2006).
- 4.1.3 14/0507/S73 - The proposed extension in hours to allow the premises to open from 6am is likely to result in an unacceptable increase in noise and nuisance within the immediate vicinity of the drive-thru restaurant which would be harmful to the amenities of adjacent residential properties, and in particular numbers 17-21 Wadloes Road, contrary to policies 3/4, 3/11 and 4/13 of the Cambridge Local Plan 2006.

5.0 Policy

5.1 National

National Planning Policy Framework 2024

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Conservation of Habitats and Species Regulations 2017

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development

Policy 5: Sustainable transport and infrastructure

Policy 6: Hierarchy of centres and retail capacity

Policy 34: Light pollution control

Policy 35: Protection of human health and quality of life from noise and vibration

Policy 36: Air quality, odour and dust

Policy 55: Responding to context

Policy 56: Creating successful places

Policy 58: Altering and extending existing buildings

Policy 59: Designing landscape and the public realm

Policy 72: Development and change of use in district, local and neighbourhood centres

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

Policy 82: Parking management

5.3 Neighbourhood Plan

N/A

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

Health Impact Assessment SPD – Adopted March 2011

Landscape in New Developments SPD – Adopted March 2010

Trees and Development Sites SPD – Adopted January 2009

5.5 Other Guidance

N/A

6.0 Consultations

6.1 County Highways Development Management – No Objection

6.2 Landscape Officer – No Comment

6.3 Trees Officer – No Comment

6.4 Environmental Health – Object

Operational Noise Impacts

6.5 There are numerous noise impact assessment and noise mitigation uncertainties associated with the application.

6.6 We recommend that the application is refused as it has not been clearly demonstrated that the proposals will mitigate and reduce to a minimum potential adverse noise impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. There is also uncertainty regarding the actual noise mitigation measures to be implemented to mitigate and reduce to a minimum potential adverse noise impact.

6.7 This would be contrary to paragraphs 187. e) and 198. B) of the NPPF, 2024 and Policy 35: 'Protection of human health and quality of life from noise and vibration' of the Cambridge City Local Plan 2018.

Artificial Lighting

6.8 The site has numerous sources of internal and external (signs / adverts and screens) artificial lighting. If the restaurant was to operate from 06:00–23:00, seven days a week then this would mean that such light sources could come on earlier than currently.

6.9 The Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (GUIDANCE NOTE 01/21) are different for the night-time curfew hours of 23.00 to 07.00hrs.

6.10 The headlights from vehicles entering and leaving the site may be another adverse lighting related impact e.g. shining into windows.

6.11 The proposal could therefore result in additional and different artificial lighting adverse impacts on local residential quality of life / amenity during these nighttime hours. These have not been mentioned or assessed in any way.

- 6.12** In our view, failure to consider this would be contrary to paragraph 198. c) of the NPPF, 2024 and Policy 34: 'Light pollution control' of the Cambridge City Local Plan 2018.

7.0 Third Party Representations

- 7.1** Ten representations have been received.

- 7.2** Those in objection have raised the following issues:

- Residential amenity - impact of noise and disturbance from:
 - customers,
 - vehicles,
 - delivery vans,
 - activity on site, ability to open windows e.g. in summer time due to odours and noise)
- Notes inadequate mitigation measures are proposed
- Odour – no odour impact assessment, increased hours will increase the time smells linger
 - Air quality in the area, increasing NO2 and particulates
 - Highway safety (traffic - additional deliveries (HGV and food delivery services) and customers; and timing of traffic increase)
 - Car parking and parking stress – causes traffic backing up, turning in the neighbouring close, queuing, illegal parking, sight lines obstruction
 - Extra litter (need to increase hours of litter picking if allowed)
 - Cumulative impacts of the increase

- 7.3** No representations in support have been received.

8.0 Member Representations

- 8.1** Cllr Naomi Bennett has made a representation objecting to the application on the following grounds:

- The restaurant is in an established residential area and several families with young children live very close to the restaurant and are exposed to fumes, noise and antisocial behaviour.
- If the restaurant is open to the public from 6am to 11pm, then staff will need to arrive around 5.30 am and leave around 23.30pm so residents will get less than 6 hours of peace and quiet.
- The existence of the restaurant already causes significant harm and a seven-day 1 hour extension will increase that harm to an intolerable level.
- This change cannot be offset by better management because the current management are active and engaged already.
- It is unrealistic to expect an operation of this size and nature in a busy residential area to exist without significant harm to residents' amenities as well as the notorious parking stresses and congestion of the main Eastern approach road and ring-road.

9.0 Local Interest Groups and Organisations / Petition

Not applicable

- 9.1** The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

10.0 Assessment

10.1 Planning Background

- 10.2** Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306].

- 10.3** The applicant has sought to amend a condition attached to the planning permission by seeking to make a minor material amendment. Paragraph 13 of Planning Practice Guidance advises that there is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission [Paragraph: 013 Reference ID: 17a-013-20140306]. Case law has established the test which governs section 73 cases is to be found in *R v Coventry City Council, ex p. Arrowcroft Group plc* [2001] PLCR 7, in which Sullivan J held that, under that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application (para. 33)."

- 10.4** Where an application under section 73 is granted, the effect is the issue of new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].

- 10.5** The modification sought is:
- Revise condition 6 of C/00/0222/FP to increase the hours of opening from 7am-11pm to 6am – 11pm.

10.6 Highway Safety and Transport Impacts

- 10.7** Policy 80 supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 states that developments will only be permitted where they do not have an unacceptable transport impact.

- 10.8** Para. 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.9 Access to the site would be unaltered.

10.10 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, which raises no objection to the proposal. Noting the representations received relating to traffic generation without an objection on highways impact grounds, it is not considered reasonable for the council to object to the proposal on highways grounds.

10.11 The proposal accords with the objectives of policy 80 and 81 of the Local Plan and is compliant with NPPF advice.

10.12 **Amenity**

10.13 Policy 34: Light pollution control addresses the impacts of new external lighting and changes to existing lighting and seeks to ensure that these minimise the impact on local residential amenity, amongst others.

10.14 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance.

10.15 Neighbouring Properties

10.16 Environmental Health has noted:

'The site is located within a largely residential area. The closest noise-sensitive residential receptors are those 5 - 15m to the north at Nursery Close (1, 2 and 7), CB5 8AE. We also understand that there is a nearby flat to the east at 641 / 641A Newmarket Road, CB5 8PB, approximately 3 to 4m from the drive-thru vehicle route. There are also residential premises directly opposite at 13 to 23 Wadloes Road, CB5 8PF.'

10.17 The comments go on to consider the impacts light and noise on these neighbouring properties.

10.18 Environmental Impacts

Lighting

10.19 The Council's Environmental Health team has assessed the application and concluded that it fails to address the impact of light during the nighttime. It is noted that sources of light include: signs, adverts, screens, and headlights from vehicles entering and leaving the site. It advised that the proposal would result in adverse impacts from external artificial lighting on local residential quality of life / amenity during nighttime hours. These have not been mentioned or assessed in any way'.

- 10.20** It is concluded that the failure to consider lighting means that the proposal is contrary to paragraph 198. c) of the NPPF, 2025 and Policy 34: 'Light pollution control' of the Cambridge City Local Plan 2018.

Noise

- 10.21** The application is accompanied by a Noise Impact Assessment (NIA). This identifies noise sources in relation to dwellings (noise-sensitive receptors) as being:
- Drive-thru vehicle lane / route: 15m from closest noise-sensitive receiver.
 - Vehicles using parking spaces (closest): 25m from closest noise-sensitive receiver.
 - The Communications Operating Device (COD) systems: 20m from closest noise-sensitive receiver. This COD is an exterior intercom type system / station, such as found in the drive-thru lane of the business, with an externally mounted speaker and microphone to allow for hands-free communication by a customer in a car.
 - Roof Plant: 20m from closest noise-sensitive receiver
- 10.22** The NIA sets out a mitigation strategy, intended to ensure adequate protections are included to reduce the noise impact to none:
- A premises noise management plan.
 - Limiting the number of customers or relocating the drive-thru are not considered viable.
 - Display Signage - One such mitigation measure is to prominently display signs asking customers to respect neighbours – keep noise to a minimum.
 - Acoustic / Noise Barrier Screening (3m high) (Length of the barrier should match the entire length of the drive thru area perimeter).
 - A 3m high barrier constructed of suitable massive material with a surface mass of at least 15kg/m² (such as marine grade plywood) installed at the perimeter would provide significant screening from both vehicle and COD noise. The length of the barrier should match the entire length of the drive thru area perimeter. Barriers would need to be properly constructed and reinforced, homogenous and continuous for their full length.
 - Turn the COD noise levels down.
 - A time restriction applied to the drive thru lane closest to the neighbour properties to limit its operation to daytime hours only between 07:00-23:00hrs.
 - Replacing the existing extract system with a quieter model.
 - To minimise noise from the outlet, the installation of an in-duct attenuator to the extract ductwork by the amount stated in the attenuator specifications.
 - To minimise breakout noise, the installation of an acoustic enclosure around the extract fan plus acoustic lagging around the ductwork

- Upon completion of works, running speed of the kitchen extract fan should be set to as low as practicably possible in order to reduce noise at source.

11.0 Environmental Health has considered the NIA and possible mitigation measures included within it. It is concluded that the NIA is generally acceptable in principle. The key point is a disagreement with the type of assessment used (IEMA) and suggests that 'a BS4142 type assessment is more appropriate for this type of use and in the circumstances...if a BS 4142 assessment was undertaken it is likely to indicate a potential significant adverse impact for vehicles manoeuvring along the Drive-thru lanes/s during the possibility of extending the opening hours of the restaurant and drive thru to operate from 06:00 (1 hour earlier). In addition, it is also difficult to account for individual driver behaviours such as the use of loud stereos with windows open potentially which is an unknown but an important potential adverse impact'.

11.1 The response concludes that:

'...to comply with national and local noise policy e.g. 'mitigate and reduce to a minimum potential adverse noise impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life', a 3m high environmental noise barrier close to the Drive-thru lanes/s along the entire length on the northern and eastern perimeter boundaries is required. In addition, as a minimum attenuation of roof top plant / equipment is also required. If the drive-thru is not used between 06.00 and 07.00hrs a 3m high environmental noise barrier close to the Drive-thru lanes/s along the entire length on the northern perimeter boundary is still required to mitigate car parking and related door bangs etc.

This barrier should be in combination with the additional noise mitigation options recommended in the SA-NIA.'

The installation of a noise barrier would require planning permission in its own right, as it falls outside of the description of development approved under application ref. C/00/0222/FP. Due to the height, orientation, and proximity to residential properties, this is likely to cause significant loss of residential amenity due to overshadowing and visual dominance. There is no guarantee planning permission would be forthcoming for these reasons and it cannot be a condition of the S73, for which permission is sought. It highlights the incompatibility of the proposal.

11.2 The Environmental Health response goes on to indicate that the NIA has not addressed the impact upon residents at 641A Newmarket Road, which is closer to the drive-thru than the 15m assumed in the assessment.

11.3 The response concludes that it is unclear which of the mitigation measures are offered. No details of the possible 3m high noise barrier are provided. A condition limiting the use of one of the drive-thru lanes to 07:00–

23:00hrs only. In addition to conditions to secure roof top plan / equipment attenuation. However, it is concluded that, even with these measures, 'There are numerous noise impact assessment and noise mitigation uncertainties associated with the application. They recommend refusal due to the uncertainty over the impacts, which would be contrary to paragraphs 187. e) and 198. B) of the NPPF, 2024 and Policy 35: 'Protection of human health and quality of life from noise and vibration' of the Cambridge City Local Plan 2018.

- 11.4** The proposal fails to adequately respect the amenity of its neighbours and it is considered not compliant with Cambridge Local Plan (2018) policies 35 and the NPPF (2025).

Other

- 11.5** The Environmental Health response also addresses issues raised in representations relating to air quality and CO₂ emissions, odours, litter and rubbish, delivery (HGVs) noise, and antisocial behaviour. It is advised that these matters are not concerns in relation to this application as they have been either investigated and resolved, planning conditions control, or other control regimes outside of planning exist. The increase in these issues is a concern but, in themselves, would not be sufficient to warrant a reason for refusal on planning grounds.

12.0 Recommendation

- 12.1** Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal.

12.2 Refuse for the following reasons:

1. It has not been clearly demonstrated that the proposals will mitigate and reduce noise to levels that will not adversely impact health and the quality of life of neighbouring residents. There is also uncertainty regarding the noise mitigation measures proposed and thereby it is not possible to assess the effectiveness of these. The proposal is contrary to paragraphs 187(e) and 198 (b) of the NPPF (2024) and Policy 35: 'Protection of human health and quality of life from noise and vibration' of the Cambridge City Local Plan (2018).
2. The proposal fails to assess potential harm from artificial lighting on local residential quality of life / amenity during nighttime hours. The failure to consider this would be contrary to paragraph 198 (c) of the NPPF (2024) and Policy 34: 'Light pollution control' of the Cambridge City Local Plan 2018.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs