

2 February 2024
L240116 SAV Cover Letter



Knowsley Metropolitan Borough Council
Planning Department
Municipal Buildings
Huyton
Knowsley
L36 9FB

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SUBMITTED VIA PLANNING PORTAL REF: PP-12732551

Dear Sir/ Madam,

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR PERMISSION TO DEVELOP LAND WITHOUT COMPLIANCE WITH CONDITION 1 OF
PLANNING PERMISSION: 09/00639/FUL
MCDONALD'S RESTAURANT, CABLES RETAIL PARK, STELEY WAY, PRESCOT, L34 5NQ
MCDONALD'S RESTAURANTS LTD**

We write on behalf of our client, McDonald's Restaurants Ltd, to apply for permission to develop land without compliance with Condition 1 of Planning Permission: 09/00639/FUL which controls the operating hours of its restaurant at Cables Retail Park in Prescott (the 'Site'). The application simply seeks the extension of operational hours of the drive-thru lane alone.

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 covering letter;
- The completed application forms;
- Noise Impact Assessment, prepared by Sustainable Acoustics;
- Planning Permission: 09/00639/FUL; and
- Planning Permission: APP/99/00431.

As the application has been submitted electronically via the Planning Portal website (**PP-12732551**), payment for the application fee of £293.00 has been made electronically.

Relevant Planning History

On 16 September 1999, planning permission was granted for the '*Erection of approximately 318 sq.m drive through restaurant and associated car parking and landscaping*' (App Ref: APP/99/00431) (the '**1999 Permission**').

The 1999 Permission was granted pursuant to 12 Conditions. Condition 7 of the 1999 Permission controlled the operating hours of the unit.

On 27 January 2005, planning permission was granted for the '*Variation of Condition 7 of planning permission: APP/99/00431 to amend opening hours from 7.00 am to midnight on any day to 6.00 am to midnight on any day*' (App Ref: 04/01378/FUL) (the '**2005 Permission**').

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On 15 March 2010, planning permission was granted for the ‘*Variation of Condition 1 attached to planning permission 04/01378/FUL to allow opening times to be extended from 6am – midnight on any day to 5am - midnight on any day*’ (App Ref: 09/00639/FUL) (the ‘**2010 Permission**’). The only condition attached stated:

“The use hereby permitted shall not operate or customers to be served or accommodated on the premises outside the hours of 05.00 hours until 24.00 hours (midnight) on any day.”

Condition 1 of the 2010 Permission controls the operating hours of the unit.

The Proposed Development

This application seeks permission for the continued use of the above site, without compliance with Condition 1 of the 2010 Permission, in order to enable the restaurant’s drive-thru to operate 24 hours a day, seven days a week. There are no changes to the established servicing hours at the restaurant as a result of this application.

The additional hours are required to ensure that the restaurant is better set to meet the needs of its customer base and enhance the overall operational efficiency. As a result of the proposed changes, the trading hours would marginally increase by a few hours in the early morning trade period.

Justification for the Proposed Development

The proposed extension to the operating hours of the drive-thru lane is not considered to result in any unacceptable impact on the existing levels of amenity. The Site is located within Cables Retail Park which is characterised as a commercial area. The existing Tesco Extra at Cables Retail Park already operates 24 hours a day, seven days a week. It follows that the concept of unrestricted commercial trade has already been established at the Site.

The Site is connected to Warrington Road (A57), a major arterial route on the local highway network, via Steley Way. The road network experiences high levels of traffic volumes throughout the day and night. This constant activity contributes towards established high background noise levels in the surrounding vicinity.

Based on experiences of other restaurants within the group, the bulk of the custom during the extended 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 increase vehicular traffic or noise associated with movements.

In addition, 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 impacts as a result of the extended hours.

Noise Impact Assessment

As the closest residential properties are located approximately 30m from the drive-thru lane to the south of the Site, on Layton Way, the application is supported by a Noise Impact Assessment (‘**NIA**’). The NIA outlines that a noise survey was carried out at the site between 22:00 – 07:00 on 15-16 November 2023. The report concludes that the proposed extension to operating hours will result in ‘no observable adverse effect’ (‘**NOAEL**’) upon nearby residential amenity. Thus, the proposed development meets the aspirations of anticipated noise as set out by local and national planning guidance.

Although the NIA concludes there will be no adverse impacts as a result of the proposed development, any remaining potential for impacts to occur would be further minimised by a robust Premises Noise Management Plan (‘**PNMP**’) found at Appendix C of the NIA. In respect of noise management, this includes setting the COD noise levels to operate as low as practicably possible between the extended operating hours (i.e. setting level of 10 as a minimum).

The technical evidence produced confirms that there will be no adverse impact on nearby residential amenity as a result of the proposed development. In addition, proactive mitigation measures will be implemented to minimise and prevent the risk of noise and anti-social behaviour at the Site.

As the LPA will be aware, the National Planning Policy Framework ('NPPF') states that planning permission should only be refused on noise grounds where adverse impacts are categorised as 'significant'. The quantitative evidence submitted as part of this application demonstrates that there will be no adverse impacts. It follows that impacts upon residential amenity should not provide any impediment to the grant of planning permission for this proposal.

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.

Further, the increased hours will enable the restaurant to better meet the demands of customers, and allow more opportunities to generate sales leading to increased revenue, which will contribute to Knowsley's local economy.

Summary and Conclusion

This application seeks permission to develop land without compliance with Condition 1 of Planning Permission: 09/00639/FUL, to enable the drive-thru lane of the restaurant to trade 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.

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 Francesca Opoku-Gyamfi or Brad Wiseman at these offices.

Yours faithfully,

A black rectangular box used to redact the signature of the representative.

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Planning