

27 January 2025
L250116 SAV Response



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

SUBMITTED VIA EMAIL TO: KIM.VO@KNOWSLEY.GOV.UK

Dear Sir/ Madam,

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR THE OPERATION OF DRIVE-THRU RESTAURANT WITHOUT COMPLIANCE WITH
CONDITION 1 OF PERMISSION: 09/00639/FUL TO ALLOW 24-HOUR OPENING
MCDONALD'S RESTAURANT, CABLES RETAIL PARK, STELEY WAY, PRESCOT, L34 5NQ
MCDONALD'S RESTAURANTS LTD**

Introduction

We write further to the correspondence received 9 December 2024, in connection with the above planning application at Cables Retail Park, in Prescott. The Council provided evidence issued by Merseyside Police which sets out the number of police incidents recorded at the Site and its surroundings over a three-year period. Merseyside Police have objected to the planning application on the basis that the Retail Park remains an anti-social behaviour hotspot that requires significant resources to respond to. Below, we respond to those comments, arguing that the application should not be refused on the grounds advanced.

Review of Relevant Planning Considerations

At the outset, we consider it useful to review the validity of Merseyside Police's objection, in the context of the planning application.

Fundamentally, planning permission is only required for "development" (as defined by legislation), being either building operations or a material change of use. As an application under Section 73, the only "development" to which this proposal relates is the original erection of the restaurant at the Site. All that falls to be considered in this application is whether the use of the Site as a restaurant would result in significant adverse impacts on residential amenity, in the absence of Condition 1.

The correspondence from Merseyside Police suggests that planning permission should be refused on the basis that the Site already requires significant police resourcing, which would increase if the application were granted permission. We note that this is not a valid reason for refusing the planning application, as it relates to a subjective assertion about human behaviour, rather than the potential for increased hours of operation to result in significant adverse impacts upon residential amenity. There is no evidence provided or allegation made that the proposed extension of operating hours would result in any increase in the occurrence of anti-social behaviour at the Site.

Whilst we appreciate the concerns raised by Merseyside Police, we consider that matters of police resourcing and the requirement for the Police to attend the Site are not considerations for this planning application. As a result, we consider that these matters are best addressed through the premises licensing process, rather than through this planning application.

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Evidence on Anti-Social Behaviour

As set out above, Merseyside Police have provided a record of all the incidents which have occurred at or adjacent to the Site over the past three years. From a review of those records, it is noted that there were a total of 961 incidents between 01 January 2024 and 5 November 2024. Of these incidents, approximately 25% are attributed to theft and stolen property, with less than 10% of incidents identified as 'nuisance', which we understand to be anti-social behaviour. Of these, it is unclear how many relate to the restaurant. It therefore follows that the majority of incidents cannot be directly attributed to anti-social behaviour resulting from the operation of the restaurant.

In addition to the above, we understand that the existing anti-social behaviour issue is most prevalent between the hours of 17:00 – 20:00, well before the existing closing time of the restaurant. This further highlights the fact that there is no evidence that the extended operation of the store would directly result in increased anti-social behaviour. We have made extensive submissions demonstrating our past experience on appeal to the Planning Inspectorate on the tenuous link between the occurrence of anti-social behaviour and extended opening hours. We do not consider that the evidence provided by Merseyside Police presents a compelling case to suggest that the increased operation of the restaurant will have any significant impact on surrounding residential amenity.

It should be noted that the restaurant has robust premises management processes in place which further mitigate the potential for the occurrence of anti-social behaviour. This includes but is not limited to:

- Market-leading internal and external CCTV cameras
- McDonald's 'Staffsafe' system
- 24 hour service security
- External lighting features

In summary, the planning application falls to be determined on the basis of whether the extended hours of operation would result in a significant adverse impact upon residential amenity. Whilst there is evidence of anti-social behaviour occurring at the Site currently, this is limited to the early evening trade period and there is no evidence to suggest that the extended operation of the restaurant would cause this to worsen. It follows that there is no prospect or suggestion that significant adverse impacts upon amenity would occur.

Proposed Conditions

Notwithstanding the above, the applicant is amenable to a condition of approval requiring that operations at the Site are conducted in accordance with the submitted Site Management Plan ('SMP') which provides extensive management procedures for the restaurant aimed at reducing the prospect for impacts upon surrounding properties to occur. Notably, this would result in positive impacts for surrounding uses throughout the entire operation of the restaurant – not just the extended hours proposed.

In terms of operational characteristics and changes, McDonald's as a business is in the process of achieving their Silver Certificate by working alongside the national designing out crime office. This will further mitigate any potential risks which may be associated with the potential extension of late-night hours. The expectation is for this to be rolled out to stores nationwide within the next three to six months.

I would also remind the LPA that consideration should be given to the question of whether conditions could be imposed on to a decision notice to make an otherwise unacceptable proposal able to be granted. If the LPA remains of the view that the proposal is not acceptable, then we would suggest that a condition restricting the permission to a temporary period to be the most appropriate approach. In this instance, the Applicant would accept an 18-month temporary permission, in order to test the efficacy of the measures contained in the SMP and PNMP submitted as part of this application.

Conclusion



We remain of the view that the proposed extension of hours would not result in increased anti-social behaviour at the Site, that would cause unacceptable impacts upon living conditions for neighbouring residential properties, with particular regard to noise or disturbance and respectfully request that the application is granted at the earliest available opportunity.

We conclude that the proposed development accords with all relevant policies in the local plan, and material considerations. As a result, the planning application should be approved under the terms of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

I trust that the above is helpful and I would be grateful if you could contact Francesca Opoku-Gyamfi or Brad Wiseman next week to confirm that all matters have been addressed to enable the application to be approved.

Yours Sincerely,

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Planning