

PLANNING APPLICATION NUMBER:P13/1781

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mcdonald's Restaurants Ltd
Location:	MCDONALDS, BROMSGROVE ROAD, HALESOWEN, B63 3JQ
Proposal	VARIATION OF CONDITION 3 OF PLANNING APPLICATION P10/1001 TO BE REVISED TO “THE PREMISES SHALL NOT BE OPEN TO THE PUBLIC BEFORE 0600 HOURS ON ANY DAY NOR AFTER 2300 HOURS ON ANY DAY”.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site measures 0.2 hectares and comprises a 1990's built McDonald's drive-through restaurant with associated parking. The site is located on the corner of Vine Lane and Bromsgrove Road with vehicles accessing the site from Vine Lane and exiting the site onto Bromsgrove Road. There is a separate pedestrian access point into the site from Vine Lane. Customer car parking is located wrapped around the restaurant building with the building itself being dual aspect to both Vine Lane and Bromsgrove Road.
2. The site is located within a mixed use area with the buildings located to the north of Vine Lane being commercial in nature. Located on the east side of Bromsgrove Road are 1970's built bungalows, a corner shop located on the junction with Bromsgrove Road and Halesmere Way, a 1950's built church hall and traditional row of terrace properties. Situated on the west side of Bromsgrove Road to the south of the site are a series of inter-war semi-detached dwellings. Immediately located to the west of the site in Vine Lane are two pairs of inter-war semi-detached residential properties.

PROPOSAL

3. The application seeks approval for the variation of condition 3 of planning application P10/1001 to be revised from:

“The premises shall not be open to the public before 0800 hours on any day nor after 2300 hours on any day”

To:

“The premises shall not be open to the public before 0600 hours on any day nor after 2300 hours on any day”

4. The application is accompanied by a Community Consultation Statement.

HISTORY

5. Relevant history

APPLICATION	PROPOSAL	DECISION	DATE
94/50148	Outline application for the erection of drive thru restaurant.	Allowed on appeal subject to conditions	09/01/95
95/50156	Reserved matters for demolition of existing buildings and erection of restaurant with ancillary accommodation and construction of accesses.	Approved with conditions	16/05/95
95/50157	Reserved matters for demolition of existing buildings and erection of restaurant with ancillary accommodation and construction of accesses.	Approved with conditions	16/05/95
95/51042	Retention of 6 lighting columns erected around the site.	Approved with conditions	19/10/95
96/50727	Restaurant and draught lobby extensions.	Approved with conditions	27/06/96
98/50008	Extension of existing restaurant to provide additional staff room space and provision of additional refuse area.	Approved with conditions	05/02/98
P00/509814	Extensions to existing building to create additional booth and extended crew room	Approved	28/06/00
P10/1001	Extension to restaurant and elevational changes to include new entrance doors and cladding	Approved	01/09/10
P10/1001/A1	Minor amendment to previously approved application P10/0110	Approved	03/02/11

P13/1200	Reconfiguration of the drive thru lane and car park to provide a side-by-side order point, new island and kerb lines and associated works	Refused	22/10/13
P13/1782	Reconfiguration of the drive thru lane and car park to provide a side-by-side order point, new island and kerb lines and associated works	Awaiting determination	

PUBLIC CONSULTATION

6. The application was advertised by way of neighbour notification letters being sent to the occupiers of nineteen commercial/residential properties within close proximity to the application site. The closing date for responses is 23rd December 2013. To date no objections to the application have been received. If any objections are received they will be included in the pre-committee notes.

OTHER CONSULTATION

7. Group Engineer (Highways): No objections to the extension of the developments opening hours.
8. Head of Environmental Health and Trading Standards: No objection in principle to the proposed extension of the opening time by two hours from 0800 hours to 0600 hours. However, as the change does have some potential to be detrimental to the amenity of the neighbouring residential properties consideration should be given to initially permitting any change for a temporary period of 12 months. This will allow the impact of the earlier hours to be monitored before a permanent change is permitted.

RELEVANT PLANNING POLICY

9. National Planning Guidance (2012)

The NPPF sets out the planning policies for England and how they are expected to be applied. The document states that the “golden thread” running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

10. Black Country Core Strategy (2011)

DEL1 Infrastructure Provision

ENV3 Design Quality

TRAN1 Priorities for the Development of the Transport Network

TRAN2 Managing Transport Impacts of New Development

11. Saved Dudley Unitary Development Plan Policies (2005)

Policy DD1 – Urban Design

Policy DD2 – Mixed Use

Policy DD4 – Development in Residential Areas

Policy NC10 – The Urban Forest

Policy EP7 - Noise Pollution

ASSESSMENT

Key Issues

- Impact upon Residential Amenity

Impact Upon Residential Amenity

12. The restaurant occupies a prominent location on the corner of Vine Lane and Bromsgrove Road. There are residential dwellings abutting the site directly to the

south in Bromsgrove Road and to the west along Grange Road. Between the restaurant with its associated car park and the residential dwellings there is a heavily treed landscaped area and an acoustic fence.

13. There is currently an application awaiting determination (P13/1782) for the reconfiguration of the existing drive through facility which would require additional land for the construction of a second traffic lane. To this end the application requests the removal of the existing line of acoustic fence and a section of existing trees along the southern and part of the south-western corner of the site and to move the car parking spaces a further 8.5m southwards. A new acoustic fence would then be relocated between the boundary of the extended car park and the reduced landscape area.
14. As part of the submission the application is accompanied by details of a Community Consultation Statement dated October 2013, which indicates that the franchisee of the restaurant has undergone a two month voluntary consultation process to ascertain opinions regarding the extended opening hours. The Statement advises that letters have also been sent to Ward Councillors and to the Chairs of the Council's Development Control and Licensing Committees and that consultation has taken place with local residents. The document concludes that there is support from the proposal and that all feedback has been taken into account and considered.
15. The Head of Environmental Health and Trading Standards is fully aware of both the existing and potential change to the site and has made his comments accordingly. He has concluded that he has no objection, in principle, to the proposed extension of the opening time of two hours from 0800 hours to 0600 hours. However, as the change does have some potential to be detrimental to the amenity of the neighbouring residential properties he requests that initially permission for any change is for a temporary period of 12 months to allow the impact of the earlier hours to be monitored before a permanent change is permitted.

CONCLUSION

16. The increase in the opening hours of the restaurant from 08:00 to 06:00 on any day of the week is supported on a temporary twelve month basis in order to monitor the impact of the earlier opening hours on the amenity of local residents. On this basis, the application would comply with Saved Policies DD4 and EP7 of the adopted Dudley Unitary Development Plan.

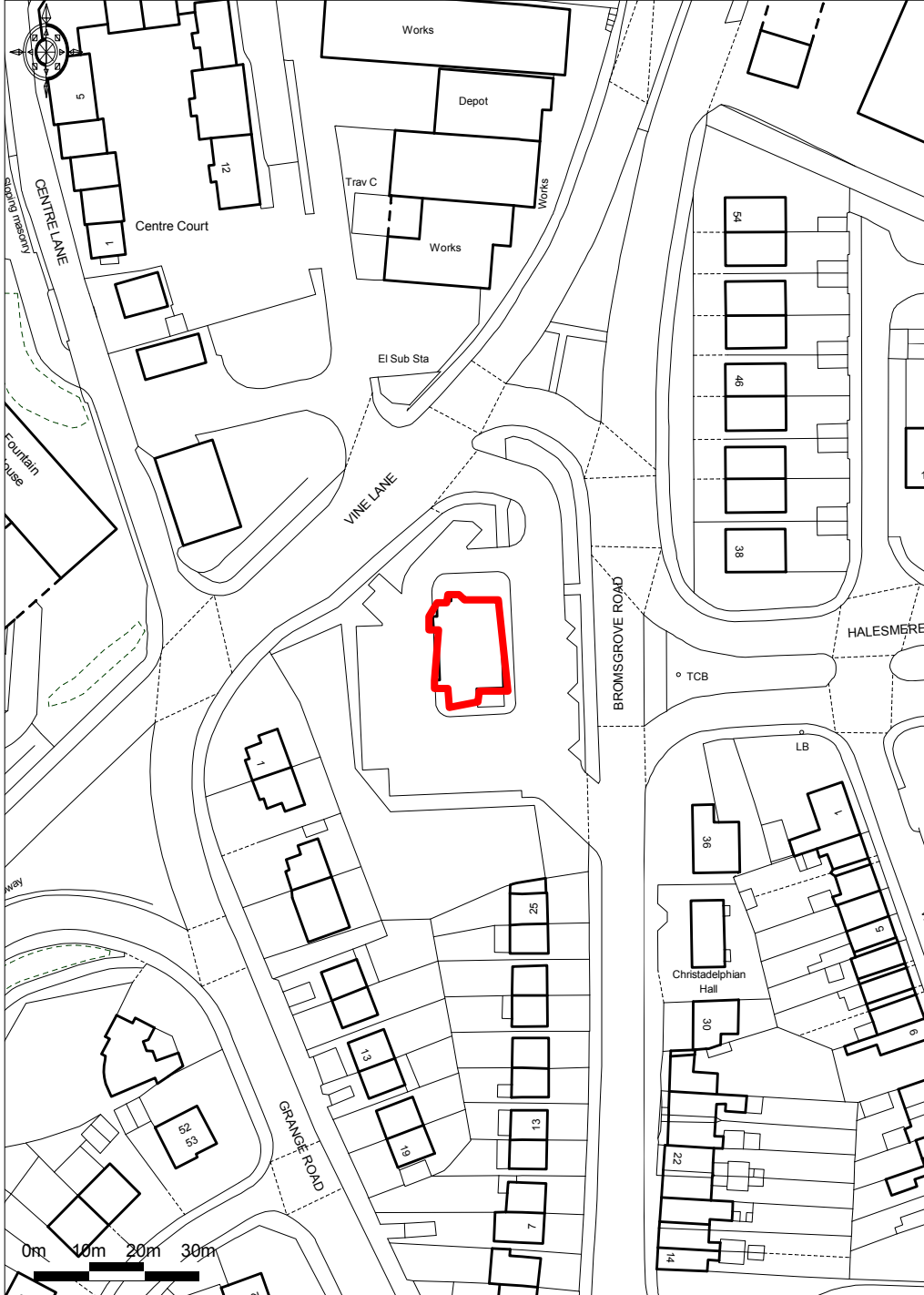
RECOMMENDATION

17. It is recommended that the application is APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The variation of opening time hereby approved shall cease on or before the twelve months from the date of this permission..

McDonald's Halesowen



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