

<b>ADDRESS:</b> 241 City Road London EC1V 1JQ	
Plans: City Road, London (603) Restaurant Layout  <b>WARD:</b> Hoxton	<b>REPORT AUTHOR:</b> Colin Leadbeatter
	<b>VALID DATE:</b> 09/10/2008
<b>APPLICANT:</b>  McDonalds Restaurants Ltd C/O Planware The Granary Walnut Tree Lane Sudbury Suffolk CO10 1BD	<b>AGENT:</b>  Planware The Granary Walnut Tree Lane Sudbury Suffolk CO10 1BD
<b>PROPOSAL:</b> Variation of Condition 3 of planning permission ref: II/23152 dated 14 October 1994 to extend hours of opening of existing drive-thru restaurant between 6:00am to midnight Sunday to Wednesday and 06:00am to 02:00am Thursday and Saturday.	
<b>POST SUBMISSION REVISIONS:</b> None	
<b>RECOMMENDATION SUMMARY:</b> Approve	

**ANALYSIS INFORMATION**
**ZONING DESIGNATION:** (Yes) (No)

	(Yes)	(No)
CPZ	X	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA		X

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace
<b>Existing</b>	A4/A5	Restaurant / Hot Food Take-Away	N/A
<b>Proposed</b>	A4/A5	Restaurant / Hot Food Take-Away	N/A

RESIDENTIAL USE DETAILS:	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
<b>Existing</b>	0	0	0	0	0	0
<b>Proposed</b>	Flats	0	0	0	0	0
	Dwellings	0	0	0	0	0
	Studio	0	0	0	0	0
<b>Totals</b>	<b>(Total = 0 )</b>					

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
<b>Existing</b>	22	1	N/A
<b>Proposed</b>	22	1	N/A

### CASE OFFICER'S REPORT

#### 1. SITE DESCRIPTION

- 1.1 Single storey building housing a 'McDonalds' restaurant located on the north side of City Road, behind a 24 hour petrol station.

#### 2. CONSERVATION IMPLICATIONS

- 2.1 None

#### 3. HISTORY

2005/1761 dated the 28<sup>th</sup> August 2005 for the Variation of Condition 3 of planning permission Ref: 11/23152 dated 14 October 1994 to extend hours of opening of existing drive-thru restaurant between 6am and 12 midnight Monday to Sunday. Approved.

TP/27965/C/TF/ER dated the 14<sup>th</sup> of October 1994: Construction of a single storey restaurant building.

#### 4. CONSULTATIONS

- 4.1 Date Statutory Consultation Period Started: 28/10/2008  
 4.2 Date Statutory Consultation Period Ended: 18/11/2008  
 4.3 Site Notice: Yes  
 4.4 Press Advert: Yes

**4.5 Neighbours**

187 neighbours consulted by private letter. Five letters of objection have been received in response, and one petition containing 51 signatures. Objectors raise concerns regarding increased noise, waste and antisocial behaviour.

**4.6 Statutory Consultees**

None

**4.7 Local Groups**

4.7.1 None

**4.8 Other Council Departments**

4.8.1 **Licensing Services:** No response to consultation.

4.8.2 **Pollution Group:** No objection to the proposed variation of condition.

**5. POLICIES**

**5.1 Hackney Unitary Development Plan (UDP) (1995)**

5.1.1 EQ1 (Development Requirements)

5.1.2 R10 (Cafes, Restaurants, Wine Bars, Take-Away Hot Food Shops)

**6. COMMENT**

6.1 The applicants seek permission for the variation of a condition attached to a consent granted in 1994 for the construction of a new McDonalds Restaurant and Drive-Through. The original consent limited the hours of operation, which were varied under application 2005/1761 to be between 0600 hours and Midnight on any day.

6.2 The applicants are seeking a variation of condition in order to extend the hours of operation from 0600 hours to Midnight on any day to 0600 hours to Midnight on Sunday to Wednesday, and 0600 hours to 0200 hours the following day on Thursdays, Fridays and Saturdays.

6.3 The site is currently occupied by a 24 hour petrol station, garage and small supermarket, which is open seven days a week with the McDonalds restaurant located behind. The garage and restaurant appear to share parking facilities, and are surrounded on three sides by residential buildings, with City Road to the South.

6.4 It is considered that the proposed variation of condition is in this instance considered to be acceptable due to the limited impact the proposals would have

on neighbouring residential occupants. There has been a petrol station and garage on this site since 1958, with the associated 24 hour use of the present day operation. It is considered that the operation of the McDonalds restaurant until 0200 hours on a Thursday, Friday and Saturday would not cause any significant further impact over what is experienced in terms of noise relating to the current 24 hour use of the petrol station and garage.

- 6.5 There has been a significant level of objection from neighbouring properties relating to this application with five letters of objection received and a petition with a total of 51 signatures. Local residents are raising concerns regarding the possibility of further noise nuisance within a residential area, litter and waste as a result of the restaurant use, along with anti-social behaviour associated to drink and drug use in the area.
- 6.7 While it is agreed that there would be some increase in vehicle movement noise as a result in the variation of condition, it is considered that this increase would not result in unacceptable levels of disruption to nearby residential occupants. In relation to the existing 24 hour nature of the wider site, along with the proximity to one of the boroughs busiest thoroughfares. In relation to an increase in waste and litter; this should be addressed by the Councils Waste Management Team, if more public dustbins should be provided within the vicinity, and also with the Environmental Health team in order for the restaurant proprietors to find a solution to minimise litter which is associated with the permitted use of the application site. Antisocial behaviour should be addressed by the local police force, in relation to any nuisance faced by neighbouring residents from persons under the influence of drink or drugs, neither of these things can be directly attributed to the operation of the restaurant and take-away.
- 6.8 The Councils Environmental Health and Pollution Group have not raised any objection to the proposed variation of hours, and are comfortable with the proposal.

## **7. CONCLUSION**

- 7.1 It is considered that the proposed variation of hours would not cause an unacceptable material impact on the amenity of neighbouring residential properties, and is therefore recommended for approval.

**8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

**CONDITIONS**

1. The restaurant use hereby permitted may be carried out only between 6:00am to midnight Sunday to Wednesday and 06:00am to 02:00am Thursday, Friday and Saturday.

REASON: To ensure the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

2. No deliveries shall be made to the restaurant between 23:00 hours and 0700 hours on any day.

REASON: To ensure the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

3. Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the plans hereby approved.

REASON: To ensure refuse is not left in the street in the interests of visual amenity and to reduce the likelihood of infestation.

4. The motor system for the fume extract equipment hereby approved shall not be fitted externally and shall be located within the fabric of the building.

REASON: To avoid serious disturbance to and adverse effects upon the environment and to occupiers of nearby residential properties.

5. No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall take place otherwise than within the curtilage of the building/within the building.

REASON: To assist in ensuring that the Public Highway is available for the safe and convenient passage of vehicles and pedestrians.

6. No parking of vehicles arriving at or departing from the premises shall take place otherwise than within the curtilage of the premises.

REASON: To assist in ensuring that the Public Highway is available for the safe and convenient passage of vehicles and pedestrians.

7. All vehicles arriving at or departing from the premises shall take place otherwise than within the curtilage of the premises.

REASON: In the interests of road safety generally and avoidance obstruction of the highway.

8. Vehicular access to the site shall be only via the permitted access.

REASON: In order to confine access to the permitted point(s) to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

**INFORMATIVES**

NSI For the avoidance of doubt, the applicant is reminded that all the other conditions of the original permission granted by under reference TP/27965/C/TF/ER (11/23153) continue to apply.



Signed..... Date: 1 June 2009

**Steve Douglas**  
**CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION**  
**DIRECTORATE**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP and the London Plan	Colin Leadbeatter	263 Mare Street, E8 3HT