

4 July 2024
L240704 SAV Cover Letter



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SUBMITTED VIA PLANNING PORTAL REF:PP 12735476

Dear Sir/ Madam,

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION TO DEVELOP LAND WITHOUT COMPLIANCE WITH CONDITION 9 OF PLANNING
PERMISSION: APP/11/00993
MCDONALD'S RESTAURANT, LARCHWOOD AVENUE, HAVANT, PO9 3BW
MCDONALD'S RESTAURANTS LIMITED

Introduction

We write on behalf of our client, McDonald's Restaurants Limited, to apply for permission to develop land without compliance with Condition 9 of Planning Permission: APP/11/00993, at Larchwood Avenue in Havant (the 'Site'), to enable the drive-thru lane of the restaurant to operate 24 hours a day, seven days a week.

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;
Plant Noise Assessment, prepared by Acoustic Associates; and
Planning Permission: APP/11/00993.

As the application has been submitted electronically via the Planning Portal website (**PP-12735476**), payment for the application fee of £293 has been made electronically.

Relevant Planning History

On 15 October 2012, Planning Permission was granted for the 'construction of freestanding restaurant with drive-through, car parking and associated landscaping' (App Ref: APP/11/00993)(the '**2012 Permission**').

The 2012 Permission was granted subject to 26 conditions. Condition 9 of the 2012 Permission controls the operating hours of the unit and states:

"The premises hereby permitted shall not open to the public before 06:00 hours or remain so open after 23:00 hours on any day."

The Proposed Development

This application seeks permission for the continued use of the above site, without compliance with Condition 9 of the 2012 Permission, in order to enable the restaurant's drive-thru to operate 24 hours, seven days a week. There are no changes to the established servicing hours at the restaurant as a result of this application.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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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 a commercial area on Larchwood Avenue, near to the A3(M) motorway bypass, which is a constant source of background noise. In addition, Larchwood Avenue, connects to Purbrook way, a major arterial route, via a busy roundabout to the north east of the Site. 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.

The nearest residential dwellings are located approximately 70m to the east, separated by a dense curtilage of trees. The existing Asda Superstore and Asda Petrol station, to the south and north of the Site respectively, already operate 24 hours a day, seven days a week. It follows that the concept of unrestricted commercial trade has already been established at the Site.

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 55m to the east of the drive-thru lane, on Willowdene Close, 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 between 22nd – 23rd November 2023. The report concludes that, following mitigation, the proposed extension to operating hours will result in a '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.

Following the NIA the Site was resurveyed by Acoustic Associates, and it was determined that the existing plant was nearing end of life. As a result, it is considered that the most effective method to mitigate noise impacts is to replace the existing plant with a modern, quiet system. In addition, an acoustic enclosure will be installed around the kitchen extract to further reduce any potential noise impact on the closest noise sensitive receptors. A technical note on plant noise, prepared by Acoustic Associates, is submitted as part of the application.

The combination of the two phased mitigation approach will reduce the potential noise impacts originating from the restaurant's roof plant to NOAEL. If the LPA is minded to grant planning permission, it is expected that a condition of approval should be included on the decision notice requiring those mitigation works to be completed prior to the extended hours being traded.

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 summarised above 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 Havant's local economy.

Summary and Conclusion

This application seeks permission to develop land without compliance with Condition 9 of Planning Permission: APP/11/00993, to enable the drive-thru lane of the restaurant to trade 24 hours a day, seven days a week.

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

Savills (UK) Limited
Planning