

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	Katie Ingram
Application No.	21/00048/REVPP
Date Valid	22nd January 2021
Expiry date of consultations	6th April 2021
Proposal	Variation of condition 15 attached to planning permission 17/00344/REVPP dated 22.06.2017 for the erection of a restaurant with a drive-thru and takeaway facility, to allow permitted hours of use from 06:00 to 00:00, 7 days a week, instead of 07:00 to 23:00
Address	1 North Close Aldershot Hampshire GU12 4HA
Ward	North Town
Applicant	McDonalds Restaurants Ltd
Agent	Brad Wiseman
Recommendation	Grant for a 1-year temporary period

Description

The site is a corner plot located on the northern side of Ash Road (A323) with a frontage of 36m to Ash Road and 68m to North Lane (area 0.25 hectares). The site is occupied by a 7.5m high two-storey rectangular McDonalds takeaway and restaurant building and drive through. The building is set back from Ash Road by 26m to accommodate the customer car park. The vehicular site entrance and exit is on the northern site boundary to the east of the building, accessed from North Close which in turn is accessed from North Lane. The drive through lane, which shares the running lane to the car park, circulates around the western and northern sides of the building re-joining the running lane 30m from the exit. There is 3.5m high acoustic fencing along the eastern boundary of the site for a length of 43m.

Ash Road in this location is a four-lane dual carriageway with a filter lane controlled by traffic lights into North Lane. Adjoining the eastern boundary of the site is Clyde Court. It comprises two buildings built up to the side boundary containing 8 flats, separated by a central courtyard parking area. 25m east of the application site is a single storey KFC drive-through and takeaway restaurant (approved in April 2015, 14/00211/FUL refers) which can also be accessed from North Lane. To the west of the application site on the opposite side of North Lane is 215 Ash Road, a three-storey flat building containing 6 flats; this is adjoined to the north by 1 North Lane on the junction of Lower Newport Road, which is a single storey

community hall. The nearest residential property on Lower Newport Road is no. 36, 25m from the junction of North Lane and North Close and the application site. No 41 North Lane on the opposite site of Lower Newport Road is a chemist and dental surgery. To the north and north east of the site are 36 North Lane, a warehouse building and the Southern Gas Networks complex comprising various buildings and large areas of hardstanding, and a gas tanker; the tanker immediately adjoins the eastern boundary of the site.

Planning history

In July 2016 planning application 16/00411/FULPP was approved 'for the erection of a restaurant/takeaway with a drive-thru facility with associated structures, fencing, parking, landscaping, and vehicular access from North Close', following demolition of the existing training buildings on the site. In June 2017 a minor material amendment application, refer 17/00344/REVPP, was approved for the variation of conditions 2,3,5,8,10,11,13,14,15,21,23 and 25 to address issues relating to the accuracy of the levels on the original site survey.

Applications have been approved in relation to details conditions specifically nos. 2 (external materials), 3 (surfacing materials), 8 (construction management plan), 10 (SUDS) 13 (lighting strategy), 15 (means of extraction), 21 (closure of existing access), 23 (acoustic fencing), 5 (levels) and 11 (contaminated land). As part of condition no.22 of 17/00344/REVPP and condition application 16/00745/CONDPP, there is 3.5m high timber acoustic fencing for a length of 45m along the eastern boundary of the site with Clyde Court.

Relevant conditions from planning permission 17/00344/REVPP include:

15. The restaurant/takeaway/drive through uses hereby permitted shall not be open to customers outside the hours of 07:00 to 23:00

Reason – to safeguard the amenities of existing and future neighbouring occupiers

This application is seeking permission to enable the restaurant to trade between the hours of 06:00 to 00:00 on a daily basis, and therefore seeks to vary condition 15 of the 2017 permission accordingly.

The applicant states that 'the proposed extension is required to ensure that the restaurant better meets the needs of its customer base (including reflecting an increased breakfast offer) and enhance its overall efficiency. There are no changes to the proposed delivery hours as a result of this application' which are 8am to 9pm. The application was accompanied with a noise impact assessment report.

Consultee Responses

Environmental Health No objection subject to conditions

Hampshire Constabulary No views received

HCC Highways Development Awaited
Planning

Neighbours notified

In addition to posting site notices on Ash Road and North Lane, 22 individual letters of notification were sent adjoining properties in Ash Road, North Lane and Clyde Court. At the request of interested parties the neighbour notification period was extended for an additional two and a half weeks and two further site notices were posted, as well publishing the application on the Council's website.

Neighbour comments

A total of 108 representations have been received, 60 objecting and 48 in support.

An objection was received from Cllr Grattan as follows: "Both living close by this business and as a Rushmoor Cllr who has previously supported residents with what they have experienced as the negative impact on their environment and quality of life brought about by McDonald's, I would like to register my strong objection to the application. I concur with concerns regarding the light and noise pollution at unsocial hours and the potential for increased anti-social behaviour. This is a residential area and residents' views must be respected by RBC."

Objections were received from properties on North Lane (42,11,40, 59, 5 and 23), Woodland Walk (276, 54, 12, 283, 88,7, 246, 252 and 273), Lower Newport Road (139, 33, 34, 24, 5,35, 30, 18, 7 and 14), Clyde Court (2,4 and 6), Redan Road (1,7 and 38), and 132 Brookfield Road, 25 Connaught Road, 21 Barn Avenue, 8 Vixen Drive, 14 The Avenue, 21 Coppice Square, 30 and 24 Fawn Drive, 3 Nelson Close, 6 Shalden road, 26 and 33 Nursery Close, 9 Chestnut Court, 7 rowhill Crescent 29 Hayloft Close, 206 Holly Road, 442 Selbourne Avenue, 56 Aspen Grove, 23 Friend Avenue, 8 Canning road, 2 Guildford Road, 30 Field Way and 20 St Christopher's Close, on the following grounds:

Problems caused by traffic

- Traffic is already a nightmare and very dangerous to all road users as well as pedestrians especially at their busy times. I'm surprised someone hasn't been seriously injured or even killed either through trying to get in/out of that site entrance or going the wrong way down Lower Newport Road. This situation will only get worse with longer opening hours
- This is not a good development for the neighbours who will have additional noise & disturbance & a reduction in their peace & quiet to below 8 hours. Disturbance of noise & light pollution would extend into usual patterns of adult behaviour of being in bed after 11pm
- Traffic already backs up past the lights which in itself causes a major issue
- Original traffic is modelling flawed and massively underestimated the number of vehicles and must be redone
- Delivery drivers park on our private property [215 Ash Road]
- The noise from thoughtless patrons using their horns and revving engines along with the continuous hum of a tanker parked there next to my property [Clyde Court] is already an imposition
- Driving down there at the wrong time it can be physically impossible to get out of our road [Woodland Walk]
- The crossing for the McDonald's and KFC on North Lane is not safe
- We are now having to put up with people parking across our driveway to consume their purchase causing us issues gaining access off / on to our property
- Parking for local residents now a nightmare
- It's not a case of monitoring the area for a few hours and then say, yeah it's fine it won't

cause any problems after 11pm. You have to live here. You have to constantly see the dangerous driving

- Until both KFC and McDonalds agree on a one-way system, to enter from North Lane & exit left onto Ash Rd via the turning next to KFC no further consent should be given
- We're in the middle of a pandemic/lockdown and I have repeatedly had to queue on both North lane and Ash Road
- Lorries go up and down North Lane all day
- Works to the junction of North lane and North Close is still awaiting up-grades to make it safe and improve traffic management
- The road surface is appalling

Other environmental issues

- The whole area smells like a deep fat fryer, rubbish in my front garden on a daily basis, unsociable behaviour and a huge increase in traffic volume
- This is a residential area and totally unsuited to this development and extended hours
- Litter left in local open spaces
- Cars park in the area and throw their rubbish on the ground
- The litter must attract vermin no matter what measures are put in place [*Officer note: the management of litter produced by a development is subject to other environmental health legislation, and not planning legislation.*]
- Before McDonalds opened, they had a meeting with the local residents and someone brought up the hours of trading and impact it would have and they said they would not be trading after 11pm for this reason. They also said there would be regular people coming around the area picking up rubbish, I have seen someone once.
- The light from their signs shine directly in to my 3-year old's bedroom. If they were to open for a further hour this would greatly impinge on our privacy and her ability to sleep
- Being lit up for an hour longer would be detrimental
- I often have to ask them to switch off their lights, they leave them on all night
- An hour earlier means they would be jet washing the car park at 5, as they seem to already think that 6am is acceptable
- The planning committee should really go back to original objections and look at the site now and the daily problems it has left
- If KFC shuts at 23:00, why does McDonalds feel it needs to open to 00:00 and why reopen at 06:00
- If this is agreed, then I am sure they will push for 24 hours
- Our home and family life have had a huge negative impact
- I feel I am being forced out of my community by these large money grabbing businesses
- There is a 24 hour drive in at Farnborough Gate just down the road
- They did not comply with the original planning condition of opaque film up to a certain height on the first-floor windows that face Clyde Court. This was to reduce overlooking. Now it will be for greater amount of time [*Officer note: this comment relates to condition 21 of 17/00344/REVPP. A letter regarding non-compliance, which is not a determining issue of this application, has been sent to the applicant under separate cover*]

Anti-social behaviour

- They are a meeting place for the local idiots and undesirables
- Living next door [Clyde Court] finding that there has been an increase of mistreatment of our property, walls drawn on, bins being used
- I frequently have milkshakes thrown at my door and cars, antisocial behaviour, our front door damaged

Procedural issues

- Querying why the local residents have not been notified of the application or why the

application was not on the weekly list

- McDonalds have not followed proper procedures when applying for this variation in conditions
- The noise report has failed to accurately identify the nearest residential properties

Other matters

- It will not be safe for working leaving late getting home
- Links with child obesity, diabetes and child cancers due to poor diet. Encouraging fast foods is morally incorrect
- Greater risk to staff de-littering & leaving late at night [*Officer note: These are comments are not planning considerations relevant to the determination of the application and carry little weight, in planning terms*].

On 31 March 2021 two petitions were received. A hand-signed petition was submitted with 38 signatures registering 'our opposition to the above planning application to allow permitted hours of use from 06:00 to 00:00 7 days a week. The variation of the original condition 15 would negatively impact the quality of life of local residents and we request that Rushmoor Borough Council reject the application' from residents local to the application site. A hard copy of an online 'change.org' petition was received, with 74 signatures 'opposing McDonalds increase in opening hours.' 15 signatories were from outside Aldershot and Farnborough and surrounding areas.

49 supporting comments were received from 35 different address in 12 Charter House, 81 Bellchase, 63 Victoria Road, 31 Gillian Avenue, 69 Field Way, 203 and 9 Ash Road, 101 Brighton Road, 110 Campbell Field, 43 Denmark Street, 83 ST Michaels Road, 12 Lindum Dene, 5 Farm Road, 203 Ash Road, 6 Bembridge Court, 33 Lysons road, 1 Blacksmith Close, 8 Calvert Close, 188 Bell Vue Road, 2 East Station Road, 127 Newport Road, 65A and 149 North Lane, 21 Beech Close, 81 Marrowbrook Lane, 203 Ash Road, 6 Bembridge Court, 2B and 2C Herret Street, 42 Elms Road, 49 Mount Pleasant Road, 39 Birchett Road, 16 Highland Road, 4 Lower Newport Road and 36 Barn Avenue, Aldershot, and 2 Oxenden Close and 32 Arthur Close, Farnham and 11 Robertsons Way, Ash, and on the following grounds:

- Will create more employment opportunities
- More hours for staff that live and work locally in turn benefiting community
- Extending hours will have no issues at all, only for an hour on each site
- It is convenient for individuals and families working late or early and NHS workers
- Pubs and other things open late what is the different with McDonalds
- Good to see business growing during tough times
- They do a good job in keeping the area clean and do more for the local community than the other local shops in North Lane
- Will reduce rush hour access at 07:00

Policy and determining issues

The site is located in the built-up area boundary of Aldershot in Flood Zone 2. Policies SS1 (Presumption in favour of sustainable development), SS2 (Spatial Strategy), DE1 (Design in the Built Environment), DE10 (Pollution), NE6 (Managing fluvial flood risk) and NE7 (Areas at risk from surface water flooding) from the adopted Rushmoor Local Plan are relevant to the the application. Also of relevance is the Car and Cycle Parking Supplementary Planning Document (2017) and advice in the National Planning Policy Framework (2019) with particular relevance to noise (paragraphs 180-183).

The determining issues of this application are impact on neighbours, and parking and highways

considerations.

Impact on neighbours

The closest residents are located at Clyde Court. The closest flat is approximately 3.5m from the 'In' running lane and 7m from the 'out' running lane. There is a 3.5m high acoustic fence along this boundary for a length of 45m. 215 Ash Road is 21m to the west of the site on the opposite side of North Lane, and the closest residential properties on Lower Newport Road are 32m from the application site. There are non-residential occupiers at 1 and 36 North Lane, the SGN site to the north east, and the KFC at 247 Ash Road.

The original application restricted the hours of operation from 07:00 to 23:00. The Planning Officer's report to the Development Management Committee on 16 July 2016 stated that this was in the absence of noise information between the hours of 23:00 and midnight in the submitted noise report and to be consistent with the approved hours of KFC, which are 07:00 to 23:00 for the restaurant, and 07:00 to 00:00 for the drive through facility.

The noise impact assessment submitted with this application establishes the existing ambient noise levels on the site from 21:45 to 09:15 over a night-time period on the 22 to 23 October 2020 in 15-minute intervals. It also measures noise on the site from four principal sources namely noise of vehicles moving through the site; people noise; Customer Order Display (COD) noise and roof plant noise. Noise sources for the proposed period are estimated using readings from other McDonalds sites and measurements taken on this site between the hours of 22:00 and 23:00, when the drive through facility was open. Road traffic is the dominant ambient noise source, which is understandable given the proximity of Ash Road and North Lane and the relatively busy junctions where North Lane meets Ash Road.

The report was reviewed by the Council's Environmental Health Officer. Noise from people and the COD will be minimised by the Noise Management Plan specific to the site that is set out in Appendix C of the Noise report. This controls the settings of the intercom system at certain times of the day and night, and manages potential noise and anti-social behaviour from patrons. Plant noise is controlled by Condition 13 of 17/00344/REVPP.

With regard to noise from vehicles on the site, for example, doors slamming and movement, the acoustic report states that the greatest changes will be a change of 2.2dB in noise levels over the 23:00 to 00:00 hour period for the nearest residential receiver (7-8 Clyde Court). The Environmental Health Officer has stated 3db is generally considered to be the level of change noise would be perceptible. Despite some anomalies in the report recognised by the Environmental Health Officer, that the ambient noise levels at 7-8 Clyde Court may be less than recorded due to the shielding effect from 1-6 Clyde Court, as ambient noise levels were taken at the back of the roof of McDonalds away from the plant and also closer to the road, it is also recognised that many of the assumptions used by the consultants in their calculations, are based on worst case scenarios. As such the conclusion is that overall conclusions of the report are robust and that the impact of the proposal on neighbouring amenity with regard to noise from all four sources measured on the site are acceptable subject to implementation of noise mitigation measures identified through the report.

Given these views it is considered reasonable and apposite to allow an extension of the hours as proposed on a temporary basis expiring one year from the date of permission given, at which point, unless further permission has been sought from the Local Planning Authority and provided, permitted hours of operation will revert back to hours approved under 17/00344/REVPP. A condition is also recommended that all noise mitigation measures

recommended in the Noise Impact Assessment are implemented during this period.

Several objections were raised about the impact of traffic noise arising from patrons of the restaurant on the amenity of nearby residents. The issue of traffic noise associated with the site has been dealt with in the submitted noise report and the comments above.

Comments were received about light glare from the building.

It is considered that subject to the conditions above the proposal will have an acceptable impact with regarding to neighbouring amenity and will comply with Policies DE1 and DE10 of the Rushmoor Local Plan and the relevant provisions of the NPPF (2019).

Parking and highways issues

Despite the number of objections received on the matter of traffic generated by the site having a detrimental impact on road safety, parking availability and access to other roads in the vicinity of the site as the application relates extending hours of operation which are well outside peak times, it is considered that there would be no subsequent harmful impact on road safety or other matters described above arising from this proposal. The County Highway Authority has been consulted on the application and the Council are awaiting their views, although the consultation period has expired. An update will be provided to the Development Management Committee should any consultation response be received.

It is considered that the impact of the proposal on highway safety would be acceptable and comply with Policy IN2 and the relevant provisions of the adopted Car and Cycle Parking Standards (2017).

Conclusion

It is considered that the proposed operating hours will have an acceptable impact on neighbouring amenity provided the proposed noise mitigation measures recommended throughout the noise impact assessment report are implemented. To ensure compliance with these measures the Council is recommending the approval be given on a temporary basis of 12 months. It is considered the impact on highway safety and parking issues will be acceptable. The application will comply with Policies DE1, DE10 and IN2 of the Rushmoor Local Plan and the relevant provisions of the Rushmoor Car and Cycle Parking Standards SPD (2017).

Full Recommendation

It is recommended that planning permission be **GRANTED** to vary condition 15. Attached to Planning Permission 17/00344/REVPP to read as follows: -

15. For the period between 22nd April 2021 and 21st April 2022 The restaurant/takeaway/drive through uses hereby permitted shall not be open to customers outside the hours of 06:00 to 00:00 providing all noise mitigation measures included in the submitted Noise Impact Assessment report 'McDonalds Ash Road Aldershot 14-0167079 RO2' carried out by Sustainable Acoustics are implemented. From 22nd April 2022 the restaurant/takeaway/drive through uses shall not be open to customers outside the hours of 07:00 to 23:00.

Reason –Given the nature of the proposal review and monitoring of its impact in the light of prevailing circumstances over the specified period would be appropriate in the interest of neighbouring amenity.

Informatives

1. INFORMATIVE – The Local Planning Authority’s commitment to working with the applicants in a positive and proactive way is demonstrated by its offer of pre-application discussion to all, and assistance in the validation and determination of applications through the provision of clear guidance regarding necessary supporting information or amendments both before and after submission, in line with the National Planning Policy Framework.
2. INFORMATIVE - The Council has granted permission because it is considered that the proposed operating hours will have an acceptable impact on neighbouring amenity provided the proposed noise mitigation measures recommended throughout the noise impact assessment report are implemented. To ensure compliance with these measures the Council is recommending the approval be given on a temporary basis of 12 months. It is considered the impact on highway safety and parking issues is acceptable. Subject to conditions of approval the application will comply with Policies DE1 and DE10 of the adopted Rushmoor Local Plan (2019).

It is therefore considered that subject to compliance with the attached conditions, and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998

3. INFORMATIVE - The applicant is advised that this approval relates solely to the matters identified in the application description. The terms of any other outstanding conditions attached to planning permission 17/00344/REVPP dated 22/06/2017 remain in force



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BLACKWATER WAY