

CARLISLE CITY COUNCIL

Report to:- **Audit Committee**

Date of Meeting:- 12 July 2012

Agenda Item No:-

Public

Title:- **DEVELOPMENT CONTROL COMMITTEE REPORTING**

Report of:- **DIRECTOR OF ECONOMIC DEVELOPMENT**

Report reference:- **ED.26/12**

Summary:-

This report sets out the main changes which have taken place to report prepared by Planning Officers in relation to planning applications being considered by Development Control Committee.

Recommendation:-

That the changes to the reporting style of Development Control Committee Reports are noted

Contact Officer: Chris Hardman

Ext: 7502

Jane Meek

Director of Economic Development

25 June 2012

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 At the April meeting of Audit Committee, Members made the following resolution as part of Minute AUC.31/12.
“RESOLVED – (2) That consideration of the main changes to the style and content of Development Control Committee reports be deferred until the next meeting of the Committee.”
- 1.2 In order to assist members with the above information, attached to this report are copies of two Development Control Committee Reports, the first in the old style format and the second the new shorter format. Both these relate to applications to extend opening hours at McDonald’s restaurant at Kingstown. The issues are very similar and as these relate to the same site it is easy to see a comparison of the reports between the two. Both the reports have been annotated with commentaries in boxes to explain the main changes for Members. The explanation of the changes was set out in paragraphs 1.3 – 1.7 of Report ED.18/12/GD.22/12 and is repeated below for information.
- 1.3 The Development Control Section had a meeting with consultants Urban Vision in January 2011 to look at ways of improving the format of the Development Control Committee Reports. All Planning Officers attended and lengthy discussions took place about the most effective way to change the reports.
- 1.4 The old style committee report commenced with the reason for determination by committee, followed by:
- details of the constraints and planning policies;
 - summaries of the consultation responses and any representations received, which were often very detailed;
 - and then the planning history.
- 1.5 The details of the proposal/ officer assessment of the application were located after all of the above. The recommendation only appeared once and came towards the end of the report, which was followed by any suggested conditions or reasons for refusal.
- 1.6 The new committee report format, which came into force in June 2011, commences with the recommendation, which is followed by a list of the main issues. This is beneficial to Members as they are immediately aware of the suggested recommendation and what the main planning issues are. The report then contains details of the site, any relevant background information and details of the proposal.

A summary of representations and consultation responses then follows and this is more streamlined than in the previous report. The officer's report which contains details of the relevant planning guidance/ policies against which the application is being assessed comes after this, followed by a detailed assessment of the proposal, which is based around the main issues, identified at the start of the report. Any relevant planning history is then summarised. The detailed recommendation, with suggested conditions or reasons for refusal, is located at the end of the report.

- 1.7 Members were involved in the formulation of the new style committee report. They commented on a draft report and their comments helped to shape the final format. The new style report has been well received by Members and the general consensus is that it is easier to read. Positive comments have also been received from customers of the planning service. Having the main issues and recommendation clearly stated at the start of the report is beneficial and this helps Members to focus on the relevant planning issues that the Planning Officer has based his recommendation on.

2. CONSULTATION

- 2.1 Consultation to Date.
Members of Development Control Committee were consulted on the proposed changes.
- 2.2 Consultation proposed.
Not applicable as the changes have been introduced following the above consultation.

3. RECOMMENDATIONS

That the changes to the reporting style of Development Control Committee Reports are noted

4. REASONS FOR RECOMMENDATIONS

Changes have been made to the reports to development Control Committee and these changes have been undertaken to assist the decision making process.

5. IMPLICATIONS

- Staffing/Resources – None
- Financial – None

- Legal – It is important that the Council should seek to ensure its decision making process is as robust as possible. Any Committee Report must give Members a thorough and balanced analysis of any application, sufficient for them to make an informed decision.
- Corporate – Assisting with the report style assists with the operation of the Council's services
- Risk Management – Best practice in reports on planning applications were considered in determining the new style.
- Equality and Disability – None
- Environmental – None
- Crime and Disorder – None
- Impact on Customers – Clearer information provided for customers

Impact assessments

Does the change have an impact on the following?

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?		
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

If you consider there is either no impact or no negative impact, please give reasons:

No impact as committee reports area available to all.

If an equality Impact is necessary, please contact the P&P team.

SCHEDULE A: Applications with Recommendation

08/0059

Item No: 03

Date of Committee: 11/07/2008

Appn Ref No:
08/0059

Applicant:
McDonalds Restaurants
Ltd

Parish:
Carlisle

Date of Receipt:
21/01/2008

Agent:
Savills

Ward:
Belah

Location:
McDonald's Restaurant, Grearshill Road,
Kingstown, Carlisle, Cumbria, CA3 0ET

Grid Reference:
339400 559457

Proposal: Application To Vary Condition 4 Of Planning Permission 97/0203 To Allow The Restaurant To Open Between The Hours Of 6.30am To 11pm Sunday To Thursday, 6.30am Friday To 1am Saturday And 6.30am To 1am Sunday.

Amendment:

1. Reduction in proposed opening hours from 3am on Friday, Saturday and Sunday mornings to 1am on Saturday and Sunday mornings.

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This section omitted. Members of Committee should determine all applications before them in the same manner.

This application is brought for determination by Members of the Development Control Committee due to the number of objections received from the occupiers of neighbouring properties with one person wishing to exercise his right to speak.

1. Constraints and Planning Policies

District EM2 - Primary Employment Areas

District H17 - Residential Amenity

District S15 - Food and Drink

Rev Redeposit Pl. Pol EC1 - Primary Employment Areas

Rev Redeposit Pl. Pol CP5 - Residential Amenity

List of policies removed and only referenced when required or in the recommendation.

Moved to later in the report so that Members have an understanding of the proposal first before reading this.

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection;

Environmental Services - Environmental Quality: Environmental Services do not object to this application given that the distance between the premises and nearby residential premises is great enough to ensure that there should not be any problems with direct noise transmission. Whilst the proposed hours of operation may lead to some increase in traffic flows, this is not an issue that can be dealt with by Environmental Services. Historically there have been complaints about litter emanating from the premises although none have been received for over a year. If the application is successful then the applicant must ensure that steps are taken to control refuse during the extended hours of opening.

Further comments received on 19th May 2008 raise no observations;

Development Services - Property Services: comments awaited;

Development Services Planning & Housing Services - Access Officer: no comment; and

Cumbria Constabulary - Crime Prevention: Cumbria Constabulary has liaised with the Local Policing Team Inspector for this area and carried out a brief search of the incident logging and crime recording databases for this location. There has been one call for police service to these premises over the past 12 months relating to an incident of theft from a cloakroom.

The present late opening retail food outlets are generally grouped around the Botchergate area, which permits a more convenient patrol pattern during the night time economy. Premises of this nature do generate alcohol-related disorder incidents. However, Cumbria Constabulary has no evidence to suggest that legitimate customers may cause disorder or nuisance at the proposed premise as there have been no reported incidents under the present permitted trading hours. Consequently, there is no objection to this proposal;

Further comments received on 16th May 2008 read as follows:

The proposed amendments do not affect the observations previously submitted.

3. Summary of Representations

The list of these letters has been removed. This is a long list where there are no replies and served little purpose.

Representations Received

Initial:

Consulted:

Reply Type:

T A Bingley - Dealer Principal, Lloyd Motors

29/01/08

Limited		
Mr Armstrong, 3 California Road	29/01/08	
J G & F Bryson, 1 California Road	29/01/08	
Mrs Airey, 306 Kingstown Road	29/01/08	Objection
Mr A Toole, 89 Etterby Lea Crescent	29/01/08	Objection
J G Bryson, 1 California Road	29/01/08	
Mary Anderson, 238 Kingstown Road	29/01/08	Objection
D Bell, Westerly	29/01/08	
M Goodwin, Westerly	29/01/08	
Mrs Lett, 42 Kingstown Road	29/01/08	
E Goodwin, 324 Kingstown Road	29/01/08	Objection
Grenville Smith & Duncan, 7 Park Place	29/01/08	Undelivered
John Lightfoot & Kathleen Hetherington, 101 Pinecroft	29/01/08	
Mr M F Gibson, 4 Pinecroft	29/01/08	
R G Lorder, 51 Newfield Drive	29/01/08	
Kingstown Action Committee, 324 Kingstown Road	29/01/08	Objection
Grenville Smith & Duncan, 77 Park Place	29/01/08	Undelivered
Mr Martin, 84 Pinecroft	29/01/08	
Mr & Mrs Reay, 40 Pinecroft	29/01/08	
Mr & Mrs Robson, 89 Pinecroft	29/01/08	
The Occupier, 76 Newfield Drive	29/01/08	
Mrs Moore & Miss Percival, 69 Pinecroft	29/01/08	
Mr & Mrs Armiger, 99 Pinecroft	29/01/08	
Mr & Mrs Ladds, 91 Pinecroft	29/01/08	
A K Stockton, 148 Lowry Hill Road	29/01/08	
NF & RE Rainford, 1 Teasdale Road	29/01/08	
Mr & Mrs Friel, 6 Swinburn Drive	29/01/08	
Mr & Mrs Lancaster, 1 Lowry Close	29/01/08	
JM & FD Harding, 39 Lowry Hill Road	29/01/08	
Mr/Ms Dickinson, 16 Brunstock Close	29/01/08	
G Hamelton, 9 Moorville Drive	29/01/08	
Mr & Mrs I W Rushton, 38 Pinecroft	29/01/08	
Mr & Mrs Howe, 176 Lansdowne Crescent	29/01/08	
Mr & Mrs Emmerson, 110 Newfield Drive	29/01/08	
Mr & Mrs Landels, 62 Pinecroft	29/01/08	
Mr Tweddle, 98 Newfield Drive	29/01/08	
Mr & Mrs Wyllie, 18 Ritson Close	29/01/08	
Mr & Mrs Douglas Watson, 25 Wentworth Drive	29/01/08	
Mrs & Miss Fairclough, 4 South Wakefield Close	29/01/08	
Mr & Mrs Mackie, 2 Netherby Drive	29/01/08	
Mr McLellan, 19 Lowry Hill Road	29/01/08	
Mr W Millican, 164 Lowry Hill Road	29/01/08	
I J Crabb, 9 Ritson Close	29/01/08	
Mr P Whytock, 15 Sanderson Close	29/01/08	
I & PM Elliot, 20 Swinburn Drive	29/01/08	
G Beattie, 9 Brunstock Close	29/01/08	
Mrs S Osborne, 51 Sark Close	29/01/08	
Mr E Veitch, 26 Sanderson Close	29/01/08	
Mr & Mrs D Love, 1 Lyne Close	29/01/08	
Mr & Mrs Natrass, 11 Moorvill Drive	29/01/08	
Mr & Mrs Peacock, 47 Sark Close	29/01/08	
Mr & Mrs Bowman, 5 Lowry Hill Road	29/01/08	Undelivered
Mrs C Duggan, 21 Bailey Road	29/01/08	
Mr T A Duggan, 21 Bailey Road	29/01/08	
J Mark, 28 Swinburn Drive	29/01/08	
Mr A Brown, 15 Brunstock Close	29/01/08	
Mr & Mrs Doust, 22 Brunstock Close	29/01/08	
The Owner/ Occupier, 24 Ritson close	29/01/08	
Mr Foy, 27 Lowry Hill Road	29/01/08	
Mr & Mrs Clark, 25 Moorville Drive	29/01/08	

Mrs Hutton, 23 Moorville Drive	29/01/08	
Mr & Mrs Baty, 32 Harker Park Road	29/01/08	
Mr Wilson, 4 Wentworth Drive	29/01/08	
Mr Van Dyck, 12 Etterby Lea Crescent	29/01/08	
Mr Robson, 102 Newfield Drive	29/01/08	
Mr Hayden, 41 Lowry Hill Road	29/01/08	
Mr Brown, 38 Newfield Drive	29/01/08	
Mr Tulip, Marwin	29/01/08	
Mr Richardson, 45 Harker Park	29/01/08	
Mr Cox, 14 Lochinvar Close	29/01/08	
The Occupier, 16 Nook Street	29/01/08	
Ms Shaw, Beechwood Avenue	29/01/08	Undelivered
Mr Baty, 32 Harker Park	29/01/08	
Mrs Baty, 32 Harker Park	29/01/08	
Mrs Tulip, 34 Harker Park	29/01/08	
Mr Graham, 24 Harker Park Road	29/01/08	
Ms Perkin, 38 Harker Park	29/01/08	
The Occupier, 40 Harker Park Road	29/01/08	
Mr Richardson, 45 Harker Park	29/01/08	
Mrs White, 41 Harker Park	29/01/08	
Mr White, 41 Harker Park	29/01/08	
Mr Park, 29 Harker Park Road	29/01/08	
Mr Pattinson, 33 Harker Park	29/01/08	
Mrs Pattinson, 33 Harker Park	29/01/08	
Mr & Mrs Davis, 29 Sanderson Close	29/01/08	Undelivered
Mrs Sewell, 24 Sanderson Close	29/01/08	
Mr & Mrs Robinson, 12 Moorville Drive South	29/01/08	Objection
Mr & Mrs Murray, 8 Teasdale Road	29/01/08	
Mrs Hill, 75 Lowry Hill Road	29/01/08	
Mr & Mrs Cowperthwaite, 13 Netherby Drive	29/01/08	
Mr Snaith, 13 Oakshaw Close	29/01/08	
Mr & Mrs Marshall, 17 Sanderson Close	29/01/08	
Mr W Pringle, 7 Swinburn Drive	29/01/08	
Mr & Mrs J Blacklock, 30 Sanderson Close	29/01/08	Undelivered
Mr & Mrs Jackson, 27 Brunstock Close	29/01/08	
Mr & Mrs Cowen, 4 Ritson Close	29/01/08	
Mr & Mrs Muscott, 1 Oakshaw Close	29/01/08	
Mr & Mrs Simpson, 18 Oakshaw Close	29/01/08	
Mr Rutter, 73 Lowry Hill Road	29/01/08	
Mr Blakeley, 7 South Wakefield Close	29/01/08	
Mr & Mrs Milroy, 22 Teasdale Road	29/01/08	
Mr Lindsay, 145 Lowry Hill Road	29/01/08	
W & P Baker, 22 Moorville Drive	29/01/08	
The Owner / Occupier, 178 Lowry Hill Road	29/01/08	
C A Wilson & F L Wilson, 15 Ritson Close	29/01/08	Objection
Mrs Ms Mr Price, 4 Netherby Drive	29/01/08	Undelivered
Mr & Mrs Fisher, 22 Swinburn Drive	29/01/08	
Mr & Mrs Freier, 16 Moorville Drive South	29/01/08	
Mr Daniels, 139 Lowry Hill Road	29/01/08	
Mr Preston, 137 Lowry Hill Road	29/01/08	
Mr & Mrs Stewart, 2 Oakshaw Close	29/01/08	
Mr Catton, 8 Moorville Drive South	29/01/08	
Mr Mrs & Ms Edwards, 49 Lowry Hill Road	29/01/08	Undelivered
Mrs Culloch, 147 Lowry Hill Road	29/01/08	
Miss Moore, 65 Lowry Hill Road	29/01/08	Undelivered
Mr Osler, 7 Kirkbeck Close	29/01/08	
Mr & Mr Marlow, 206 Lowry Hill Road	29/01/08	Undelivered
Mrs Murphy, 8 Swinburn Drive	29/01/08	
Ms Boothroyd, 1 Sark Close	29/01/08	
Mr Opie, 128 Lowry Hill Road	29/01/08	
Mr & Mrs Welton, 162 Lowry Hill Road	29/01/08	
Mr & Mrs Saunders, 103 Pinecroft	29/01/08	

Mr & Mrs Forlow, 54 Pinecroft	29/01/08	
Mr & Mrs Maclean, 3 St Peters Drive	29/01/08	
Mr Park, 40 Moorville Drive	29/01/08	
Mrs Park, 40 Moorville Drive	29/01/08	
Mr Graham, 42 Harker Park	29/01/08	
Mrs Graham, 43 Harker Park	29/01/08	
Mr Ballantyne, 6 Moorviel Drive	29/01/08	
Mr Yates, 2 Liddle Close	29/01/08	
Mr & Mrs Innes, 11 Liddle Close	29/01/08	
Mr & Mrs Tinnion, 2 Gelt Close	29/01/08	
Mr & Mrs Waude, 53 Moorville Drive South	29/01/08	
Mr & Mrs Carruthers, 5 Swinburn Drive	29/01/08	
Mr & Mrs Young, 17 Ritson Close	29/01/08	
Mr Bell, 25 Liddle Close	29/01/08	
Mr & Mrs Mason, 20 Hether Drive	29/01/08	
Mr & Mrs Sloan, 22 Sanderson Close	29/01/08	
Mr & Mrs Brown, 196 Lowry Hill Road	29/01/08	
Mrs Morton, 39 Sark Close	29/01/08	
Mr & Mrs Ross, 18 Sanderson Close	29/01/08	
Mr & Mrs Reeder, 1 Troon Close	29/01/08	
Mr & Mrs Welsh, 22 Moorville Drive South	29/01/08	
Mr & Mrs Arthurs, 34 Liddle Close	29/01/08	
Mr & Mrs Robertson, 31 Liddle Close	29/01/08	
Mr Hind, 83 Lowry Hill Road	29/01/08	
Mr Reeves, 10 St Peters Drive	29/01/08	
Mr & Mrs Binns, 15 Teasdale Road	29/01/08	
Mr & Mrs Mayne, 122 Lowry Hill Road	29/01/08	
Mr & Mrs Bates, 11 Oakshaw Close	29/01/08	
Mrs Curran, 72 Newfield Park	29/01/08	
Ms Golightly, 5 Church Place	29/01/08	
Mr Fitzpatrick, 11 Moorville Drive South	29/01/08	
Lowry Hill Residents Association, Eric Hagan (Chairman)	29/01/08	
Ms Hagan, 24 St Peters Drive	29/01/08	
Mr & Mrs Jamieson, 26 Gelt Close	29/01/08	
County Motors, Mr B Tweddle (Managing Director)	29/01/08	
Mr & Mrs Holmes, 28 Sanderson Close	29/01/08	Undelivered
Mr & Mrs Ridley, 4 St Peters Drive	29/01/08	
Mr 7 Mrs McCaffery, 45 Lowry Hill Road	29/01/08	
Mr Thwaites, 41 Sark Close	29/01/08	
Mr & Mrs P Thomas, 2 Swinburn Drive	29/01/08	
Mr & Mrs Archer, 8 Netherby Drive	29/01/08	
J McGuiness, 22 Gelt Close	29/01/08	
Mr & Mrs D L Nicholson, 1 Hether Drive	29/01/08	
Mr Park, 3 Teasdale Road	29/01/08	
H & C Roberts, 67 Lowry Hill Road	29/01/08	
Mr & Mrs Boothroyd, 75 Knowe Park Avenue	29/01/08	
Mr Park, 3 Teasdale Road	29/01/08	
Mrs Park, 3 Teasdale Road	29/01/08	
Ms Rennie, 32 MNoorville Drive	29/01/08	
Mr & Mrs Bulman, 123 Lowry Hill Road	29/01/08	
Mr & Mrs G C & V A F Taylor, 126 Lowry Hill Road	29/01/08	Undelivered
Mr M G Payn, 2 Hether Drive	29/01/08	
Mr & Mrs Jack, 78 Lowry Hill Road	29/01/08	
Mazda, Lillian Pollock - Financial Controller	29/01/08	
Ms Brouwer, 19 Moorville Drive South	29/01/08	
Mr Cornthwaite, 1 Ritson Close	29/01/08	
Mr & Mrs Dinwoodie, 21 St Peters Drive	29/01/08	
Mr & Mrs Woodward, 144 Lowry Hill Road	29/01/08	
Mr McGreevy, 6 Teasdale Road	29/01/08	

Mr & Mrs Youlden, 16 Sanderson Close	29/01/08	
Mrs Winder, 28 Esk Road	29/01/08	
Mr & Mrs Mitchell, 16 St Peters Drive	29/01/08	
Mrs Wilcox, 13 Wentworth Drive	29/01/08	
Mrs Fleming, 10 Bewcastle Close	29/01/08	
Mr & Mrs Calver, 26 Moorville Drive	29/01/08	
J M Slater, 23 Liddle Close	29/01/08	Undelivered
Mr Remingtown, 20 California Road	29/01/08	
Mr & Mrs Stevinson, 39 Brunstock Close	29/01/08	
Mr & Mrs Griffiths, 5 Bailey Road	29/01/08	
Mr & Mrs Athroll, 43 Lowry Hill Road	29/01/08	
Miss Shaw, 26 Hether Drive	29/01/08	
Mr & Mrs Latimer, 74 Lowry Hill Road	29/01/08	
Mr Campbell, 104 Lowry Hill Road	29/01/08	
Mr Turner, 7 Lowry Hill Road	29/01/08	
Mrs Bell, 32 Lowry Hill Road	29/01/08	
Mr & Mrs Fry, 47 Liddle Close	29/01/08	Undelivered
Mr and Mrs Plunkett, 28 Richmond Green	29/01/08	
Mr Plunkett, 159 Holmerook Road	29/01/08	
Mr & Mrs Allan, 190 Green Lane	29/01/08	
Mrs Plunkett, 28 Richmond Green	29/01/08	
Mrs D S Causey, 88 Lowry Hill Road	29/01/08	
Mrs McCrone, 42 Lowry Hill Road	29/01/08	Undelivered
Mr Sheldrake, 16 Kershope Road	29/01/08	
Mr Austin, 61 Lowry Hill Road	29/01/08	
Mr/Ms Little, 141 Lowry Hill	29/01/08	
Mrs Lowther, 55 Sark Close	29/01/08	
Mrs Clark, 53 Sark Close	29/01/08	
Mr Armstrong, 18 Hether Drive	29/01/08	
Mr & Mrs J E Cave, "Fingals Cave"	29/01/08	
M Murdoch, 43 Sark Close	29/01/08	
Mr Hetherington, 2 Teasdale Road	29/01/08	
Mr & Mrs Bravo, 58 Lowry Hill Road	29/01/08	
Mr & Mrs Fraser, 3 Kershope Road	29/01/08	
Mr & Mrs Davidson, 5 Naworth Drive	29/01/08	
Mrs Taylor, 232 Kingstown Road	29/01/08	
Mr Booth, 4 Bewcastle Close	29/01/08	
Dr & Mrs S D Shendy, 204 Lowry Hill Road	29/01/08	
Mr & Mrs Waude, 53 Moorville Drive South	29/01/08	
Mr Garlick, 26 St Peters Close	29/01/08	
Mr & Mrs Dunlop, 4 Gelt Close	29/01/08	
Mr & Mrs Hargreaves, 10 Kershope Road	29/01/08	
Mr & Mrs Bray, 136 Lowry Hill Road	29/01/08	
Mrs A M Watson, 33 Brunstock Close	29/01/08	
Mr & Mrs Coulter, 11 Crookburn Close	29/01/08	
Mr & Mrs Ashworth, 68 Lowry Hill Road	29/01/08	
Mr Marsh, 34 MNoorville Drive South	29/01/08	
Mrs Gowling, 45 Moorville Drive South	29/01/08	
Mr & Mrs Graham, 12 Sanderson Close	29/01/08	
Mr Dunbar, 47 Brunstock Close	29/01/08	
Mr Coulthard, 4 Lowry Close	29/01/08	
Mr & Mrs McKee, 152 Lowry Hill Road	29/01/08	
Mr/Ms Clark, 31 Swinburn Drive	29/01/08	
D McConnon, 20 Wentworth Drive	29/01/08	
Mr Cocker, 278 Kingstown Road	29/01/08	Objection
Eric Martlew MP, House of Commons	29/01/08	
Mr Goodwin, 324 Kingstown Road	29/01/08	
Mr & Mrs Hillcoat, 13 Ritson Close	29/01/08	
Mrs B Lees, 28 Harker Park	29/01/08	Objection
Mrs B Lees, 28 Harker Park	31/01/08	Objection
Mr J W Lett, 42 Kingstown Road	29/01/08	
Mr & Mrs W Graham, Greymoor House	29/01/08	

Mrs M Blaylock, Wylock House	29/01/08	
The Manager, Serck Marston	29/01/08	
The Manager, Vestric	29/01/08	
The Manager, Central Tyres	29/01/08	Undelivered
The Manager, Kings Road Tyres	29/01/08	
R Thomson - General Manager, Corrugated Products Ltd	29/01/08	Undelivered
The Occupier, Telfords Citroen	29/01/08	
Mr Richard Beardsley, 324 Kingstown Road	29/01/08	Objection
The Occupier, 326 Kingstown Road	29/01/08	
The Midland Bank, Property Services	29/01/08	
Mr & Mrs Campbell, 274 Kingstown Road	29/01/08	
Mrs McKay, 272 Kingstown Road	29/01/08	
Miss Dixon, 292 Kingstown Road	29/01/08	
Fraser S Brown, Border Cars		Objection
Michael Broadis & Frances Gill, 276 Kingstown Road		Objection
Mr & Mrs C Ramshay, 201 Kingstown Road		Objection
J E Scott, 262 Kingstown Road		Objection
J K Kirkpatrick, 230 Kingstown Road		Objection
Cllr Alan Toole, 89 Etterby Lea Crescent		Objection

This is now Section 4 of the new report.

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of two hundred and sixty properties. At the time of writing this report, fourteen letters of objection were initially received and the main issues raised are summarised as follows:

1. the applicants have ignored previous planning restrictions and close late in the evenings;
2. additional opening hours will generate additional traffic, litter and noise in the area;
3. the existing litter problem leads to an influx of seagulls;
4. the additional opening hours will attract 'boy racers' to the area;
5. the emergency services will be divided between Botchergate and Kingstown;
6. there is passing traffic between the hours of 11pm and 3am and any motorway traffic is already catered for at Southwaite and Gretna; and
7. there are already a large number of heavy good vehicles parking overnight with the noise of refrigeration units running. Approval of this application will attract more similar traffic.

3.2 Following the revision to the application details seeking a reduction in the originally proposed opening hours, occupiers of the same properties were reconsulted. At the time of writing this report, four letters of objection have been received that reiterate the original comments received and state that the amended application does not address the original concerns.

4. Planning History

This has been put later in the report. If relevant it is highlighted earlier.

4.1 In 1997, planning permission was granted for the erection of a restaurant (Class A3) together with associated drive through facility and ancillary staff storage and office accommodation including height restrictor barrier.

- 4.2 Advertisement consent was granted in 1997 for the erection of an internally illuminated pole mounted free standing sign.
- 4.3 In the same year, advertisement consent was granted for the erection of 4no. company name sign and logo signs.
- 4.4 Also in the same year, advertisement consent was granted for the display of 10no. information/ directional signs.
- 4.5 In 2005, advertisement consent was granted for the erection of a single sided internally illuminated roof mounted sign.
- 4.6 Later in the same year, planning permission was granted for the variation of condition 4 attached to planning consent 97/0203 to allow the premises to trade from 0630 until 2300 hours seven days a week.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Full planning permission is sought for the variation of planning condition four relating to application 97/0203. This permission relates to McDonald's Restaurant, Gearshill Road, Carlisle. The building is sited on the northern edge of the city and within Kingstown Industrial Estate, which is designated as a Primary Employment Area within the Carlisle District Local Plan.
- 5.2 The premises comprise a 90 seat restaurant with cooking and storage facilities and associated 'Drive Thru' facilities and parking provision.

Background

- 5.3 When planning permission was approved for the development on 27th June 1997, condition number 4 stated that:

"The premises shall not be open for trading except between the hours of 0700 and 2300 on any day."

The reason given states:

"To prevent disturbance: nearby occupants."

- 5.4 When submitted in 2004, the application for a variation of the trading hours sought planning consent to open until midnight. During the consideration of the application, additional information was submitted for Member's attention which stated that the company normally trades from 0700 to 2300 hours but that in view of this location they wished to increase their trading hours to attract customers employed in businesses based at Kingstown on a 7 day a week basis.

- 5.5 Under this same planning application, consent was granted for the variation of this condition to allow trading from 0630 hours however, through discussions with the applicant it was considered that the earlier closing time of 2300 hours was more appropriate and the application was amended accordingly.

Proposal

- 5.6 The current proposal seeks to extend the current closure time from 2300 hours until 0100 hours on Fridays and Saturdays. On the remaining days of the week the business would trade as it currently does between 0630 hours and 2300 hours. A short covering letter has been submitted by the applicant's agent, a copy of which is reproduced following this report. Of particular interest, the author cites some history of the site with specific reference to the application in 2005 that was originally recommended for refusal and only subsequently approved following a reduction in the closing time from 0000 hours to 2300 hours.
- 5.7 The crux of the applicant's supporting statement reads:

"Although the restaurant will be primarily geared towards catching passing trade, we accept that there will be some increase in vehicles in the area. However, having regard to the distance to residential properties and more importantly its location on a busy road (which already experiences higher than average ambient noise levels), the increase in hours over the weekend will not impact on the amenity of the area or surrounding occupiers by reason of increased traffic and noise."

Assessment

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies EM2, H17 and S15 of the Carlisle District Local Plan and Policies EC1, EC10 and CP5 of the Carlisle District Local Plan Revised Redeposit Draft 2001 – 2016 as amended by the Inspector's report.

- 5.9 The proposals raise the following planning issues:

1. The Principle Of Development

- 5.10 Policy S15 of the Carlisle District Local Plan, which relates to existing establishments, seeks to protect the living conditions of the occupiers of neighbouring properties. This policy specifically relates to food and drink uses and allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to the opening times for premises outside of the City Centre Shopping Area. However, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.

2. The Impact On The Occupiers Of Neighbouring Properties

- 5.11 Although the site is located on the edge of an industrial estate, there are in the wider area, a number of residential properties, the closest of which are 324 and 326 Kingstown Road, which are approximately 114 metres from the east of the restaurant building and 63 metres from the closest point of the adjacent car park.
- 5.12 The application site is dissected from the nearby residential properties by Kingstown Road, which is a major arterial route leading from the north into the city. The question that arises is whether there would be a significant increase in traffic during the proposed extended opening hours; whether this would lead to a material increase in the level of noise generated; and whether this, in turn, would exceed the ambient noise levels. The application seeks consent to extend the opening hours for two out of the seven days per week and a balanced decision has to be made as to whether, during this limited period, there would be a prejudicial and unacceptable effect on the living conditions on the occupiers of the residential properties. At present, few complaints have been received regarding the business and those that have, relate mainly to the issue of litter discarded in the area.
- 5.13 The formal response received from colleagues in Environmental Protection Services (EPS) states that there is sufficient distance between the application site and the neighbouring properties to suppress any noise transmission issues. EPS does not wish to object to this current application. It is accepted that the site is separated by a main arterial route into the City Centre but during the hours for which a variation is sought, traffic levels will be low compared to peak flows and therefore, ambient noise levels will be much reduced.
- 5.14 Whilst in the terms of the comments received from in EPS, the development may not raise issues in terms of a statutory noise nuisance, the objectors remain of the opinion that the general congregation of people and associated conversation noise, closing of car doors and general engine noise, together with the noise of air brakes from heavy goods vehicles which may also visit the site, would be detrimental to the living conditions of the occupiers of neighbouring properties through increased noise and disturbance over and above the ambient noise levels. Clearly, Members must form a balanced view on this matter. The neighbours are of the opinion that the increased trading hours will result in increased noise and disturbance during times when they can reasonably expect to enjoy peace and quiet. On the other hand, the site is some distance from these properties and the separation by Kingstown Road and the associated traffic, albeit at a reduced flow, must also be a consideration. On balance, the proposal is considered acceptable in this respect.

3. Other Matters

- 5.15 One of the issues raised following the consultation process with EPS is that litter is discarded in and around the site and historically there have been complaints about litter emanating from the site.

- 5.16 The applicant's agent has submitted additional information that attempts to address some of the issues raised by the objectors. A copy of his correspondence has been reproduced following this report. Essentially, it states that there are dedicated members of staff employed to collect litter within a one mile radius of the site between the hours of 0600 hours and 1400 hours and again between 1500 hours and 2100 hours. This is stated to be operated in consultation with the Council's EPS Officers. Obviously litter from the premises can be found much further afield but provided the issue continues to be managed effectively, this seems a reasonable effort to deal with the matter in the immediate locality.
- 5.17 A further area of concern raised in the letters of objection relates to the fact that the premises allegedly closes 'very late in the evenings and even though this was reported to the Council, no action was taken'. Following the approval for the variation in the opening hours, Officers made periodic site visits at about 2300 hours and during each visit, the business was no longer trading. Furthermore, Planning Enforcement Officers responded to complaints about late night trading after the hours restricted by the planning consent. The Manager of the restaurant stated that the tills are switched off at the required closing time but sometimes staff remain on the premises cleaning and restocking supplies for the business the next day. No breach of the planning conditions has so far been proven.

Conclusion ← *Not all reports had clear conclusions.*

- 5.18 In conclusion, the merits of this application are finely balanced. On the one hand, planning policies seek to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied demand as society's needs change. The opposing view is the potential impact that the increase trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. Given the marginal increase in trading hours together with the comments from the statutory consultees and the presence of Kingstown Road that bisects the application site from the neighbouring residential properties, on balance the proposal will not conflict with current Local Plan policies and is considered to be acceptable.

6. Human Rights Act 1998 ← *This applies in all instances and now only highlighted where issues have been identified.*

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken

by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 The proposal has been considered against the above but in this instance it is not considered that there is any conflict. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation - Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The premises hereby permitted shall not commence trading before 0630 hours or remain open for business after 2300 hours on Sunday to Thursday; or before 0630 hours on Friday or remain open for business after 0100 on Saturday morning; or before 0630 hours on Saturday or remain open for business after 0100 hours on Sunday.

Reason: To protect the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policy H17 of the Carlisle District Local Plan.

3. The proposed vehicular access, and the intended service vehicle lay-by, shall be sealed, outside those times when the premises are open for business or receiving deliveries respectively, by the erection of lockable bollards which preclude access by motor vehicles.

Reason: To prevent encroachment within the site when it is unattended or unsupervised in the interests of the living conditions of the occupiers of neighbouring residential properties in accordance with the objectives of Policies S15 and H17 of the Carlisle District Local Plan.

4. Fencing and landscaping shall be maintained at all times along the frontage of the site to Parkhouse Road and at no time shall any form of pedestrian or vehicular access be formed or allowed to be used from that frontage.

Reason: In the interests of highway safety.



SCHEDULE A: Applications with Recommendation

12/0232

Item No: 03

Date of Committee: 08/06/2012

Appn Ref No:
12/0232

Applicant:
McDonalds Restaurants
Ltd

Parish:
Carlisle

Date of Receipt:
16/03/2012

Agent:
Savills

Ward:
Belah

Location:

McDonalds Restaurant, Gearshill Road, Carlisle,
CA3 0ET

Proposal: Temporary Variation Of Condition 4 Of Previously Approved Planning Application 97/0203 To Allow Trading From 5am Until 1am For A 12 Month Period

REPORT

Case Officer: Suzanne Edgar

1. Recommendation

Clear recommendation upfront.

1.1 It is recommended that this application is approved with conditions.

2. Main Issues

Concise indication of the main planning issues.

- 2.1 the principle of development;
- 2.2 the impact on the occupiers of neighbouring properties;
- 2.3 other matters

3. Application Details

Details of the proposal set the background for the report.

The Site

3.1 This application relates to McDonald's Restaurant, Gearshill Road, Carlisle. The building is sited on the northern edge of the city within Kingstown Industrial Estate which is designated as a Primary Employment Area within the proposals maps which accompany the Carlisle District Local Plan 2001-2016.

- 3.2 The premises comprise a 90 seat restaurant with cooking and storage facilities, associated 'Drive Thru' and parking provision.

Background

- 3.3 Planning permission was approved for a McDonalds on the Industrial Estate on the 27th June 1997 (application reference 97/0203). Condition No. 4 of the planning consent stated that "the premises shall not be open for trading except between the hours of 07:00 and 23:00 on any day". The reason given was "to prevent disturbance to nearby occupants".

- 3.4 Since the original planning approval there has been a series of applications submitted to vary the time conditions attached to application 97/0203. In 2004 (reference 04/1570) permission was granted to trade from 06:30 hours until 23:00 hours seven days a week. In 2008 (reference 08/0059) planning permission was however refused to allow the restaurant to trade between the hours of 06:30am to 11:00pm Sunday to Thursday, 06:30 Friday to 1:00 am Saturday and 06:30am to 1am on a Sunday. Although the Officer's report recommended approval, Members resolved to refuse application 08/0059 for the following reason:

1. "The proposed variation of condition number four would permit the premises to trade until 01:00 hours on Saturday and Sunday mornings. The building is located close to a Primary Residential Area. Although the application site is separated from the neighbouring dwellings, the additional opening hours would lead to an unacceptable level of disturbance caused by increased traffic movements, congregation of people and general activity, particularly late at night and early morning. This would cause annoyance to nearby residents and would be detrimental to the overall amenity of the area. The proposal is therefore considered to be contrary to criteria 1 of Policy S15 (Food and Drink of the Carlisle District Local Plan and criteria 1 of Policy EC10 (Food and Drink) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Planning Inspector's decision; contrary to criteria 3 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan and criteria 3 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 as amended by the Planning Inspector's decision; and to the objectives of Policy T1 (Choice of Means of Travel) of the Carlisle District Local Plan."

Relevant planning history is referred to here.

- 3.5 A further application was however approved in 2011 (reference 11/0079) to allow the restaurant to open between the hours of 6am-midnight daily.

The Proposal

- 3.6 The current proposal seeks a temporary variation of condition 4 of previously approved application 97/0203 to allow trading from 5am until 1am for a 12 month period.

- 3.7 The applicant has requested a temporary period for the variation of operating hours to allow monitoring in light of concerns previously raised by Committee Members.

Once the proposal has been explained the representations + objections are put before Members.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by notification letters to 43 of the neighbouring properties. At the time of writing this report, two letters of objection and two letters of comment have been received. The objections/comments received consider that: the proposed opening hours will increase the current litter problem found within parts of the estate and immediate neighbourhood which has not been addressed since the last application; the late opening will attract anti-social behaviour and increase in noise from vehicles; should permission be granted all night trading will follow; the increased trading will result in more traffic entering/leaving Kingstown Road; there is already illegal parking of HGVs and the extended opening hours would attract more of the same. Objections have also been received regarding the potential impact of the proposal on the residential area adjoining the site.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no objection;

Local Environment - Environmental Protection (former Comm Env Services- Env Quality): - originally raised concerns as the department has regularly received complaints of litter associated with the premises and increase trade may cause future problems. The department has also received report that the volume of business at the premises has significantly increased since the opening of the Carlisle Northern Development Route (CNDR). Increasing the trading hours would not be expected to cause nuisance, unless there was a significant increase in trade from the CNDR. The permission although temporary should be reviewed if valid nuisance complaints are received, which are due to the increase in trading hours.

With regard to possible impact of noise/disturbance this department has received no complaints regards noise from traffic or customers at McDonalds.

Further information has subsequently been received from the applicant's agent with regard to the current litter management plan and the proposed litter management plan that would be in place if the application was granted. Environmental Services have been consulted on this information and have confirmed that the litter management plan makes a reasonable effort to control waste outside McDonald's premises and the extra patrols should control litter adequately.

Further information has also been submitted from the applicant's agent with regard to sales figures which have answered the previous concerns raised. Environmental Protection Services has however indicated that they would

reserve the option to review the situation if further complaints of litter/noise, due to increased number of customers and their vehicles, are received by the department.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): - following a brief search of our Incident Logging System, this establishment has generated barely 10 calls for police service over the past 12 months. There have been no complaints regarding persistent gathering or motor vehicle nuisance, which is a noted feature of similar premises. It is acknowledged that the Variation of Condition 4 (Trading Hours) is for a temporary period only. Cumbria Constabulary has no objection to this proposal.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies EC1, EC10 and CP5 of the Carlisle District Local Plan 2001–2016. The proposal raises the following planning issues.
1. The Principle Of Development
- 6.2 Policy EC10 of the Carlisle District Local Plan, which specifically relates to food and drink uses, allows for the provision of development within Use Class A3 (food and drink, including restaurants, public houses, wine bars and takeaways) provided that the proposal does not involve disturbance to occupiers of residential properties. There is no specific guidance in terms of restriction to the opening times for premises outside of the City Centre Shopping Area; however, the policy does state that elsewhere within the Local Plan area, opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential uses.
- 6.3 As the site is located within a Primary Employment Area the proposal does not raise any planning issues in the consideration of the principle of this application. The applicant has argued in previous applications that there are businesses that operate from Kingstown and the additional opening hours would provide a facility to this sector of workers together with the drivers of heavy goods vehicle that park on the estate overnight, where there presently is none.
- 6.4 Planning policies allow flexibility of opening hours for food and drink establishments and in the case of this application, the main issue is therefore the potential impact on the occupiers of the neighbouring residential properties which is discussed in the following paragraphs.
2. The Impact On The Occupiers Of Neighbouring Properties
- 6.5 Although the site is located on the edge of an industrial estate, there are in the wider area, a number of residential properties, the closest of which are

324 and 326 Kingstown Road, which are approximately 114 metres from the east of the restaurant building and 63 metres from the closest point of the adjacent car park.

- 6.6 The application site is dissected from the nearby residential properties by Kingstown Road, which is a major arterial route leading from the north into the city. The question that arises is whether there would be a significant increase in traffic during the proposed extended opening hours; whether this would lead to a material increase in the level of noise generated; and whether this, in turn, would exceed the ambient noise levels. The application seeks consent to extend the opening hours for an extra two hours a day, an extra hour each end of the trading period. A balanced decision has to be made as to whether, during this relatively limited period, there would be a prejudicial and unacceptable effect on the living conditions on the occupiers of the residential properties.
- 6.7 It is accepted that the site is separated by a main arterial route into the City Centre but during the hours for which a variation is sought, traffic levels will be low compared to peak flows and therefore, ambient noise levels will be much reduced; however, there is sufficient distance between the application site and the neighbouring properties to suppress any noise transmission issues.
- 6.8 In previous applications to vary the planning condition, Officers in Environmental Protection Services (EPS) have stated that few complaints have been received regarding the business and those that have, relate mainly to the issue of litter discarded in the area. Further comments have been received in respect of the current proposal where it has been confirmed that the department still receives regular complaints of litter associated with the premises and increased trade may cause future problems. It has however been confirmed that no complaints have been received of noise nuisance emanating from the premises. EPS have indicated that they do not anticipate the increased trading hours to cause a noise nuisance unless there was a significant increase in trade as a result of the new access to the CNDR.
- 6.9 In relation to the impact of the CNDR on trading at McDonalds it is important to note that the purpose of the CNDR is to direct traffic away from Kingstown/Scotland Road. In such circumstances a refusal on the grounds of noise emanating from an increase in trade as a result of the new access to the CNDR could not be substantiated. The applicant has however provided sales figures for the three months before and after the road opened. These figures show that there has not been a significant increase in trade as a result of the CNDR. This application is a temporary consent and this situation can be reviewed in a year's time.
- 6.10 The development may not raise issues in terms of a statutory noise nuisance, however Members need to consider the general congregation of people and associated conversation noise, closing of car doors and general engine noise, together with the noise of air brakes from heavy goods vehicles which may also visit the site and the potential impact this may have on the living conditions of the occupiers of neighbouring properties through increased

noise and disturbance over and above the ambient noise levels. Clearly, Members must form a balanced view on this matter. The objectives of the policies require that the increased trading hours must not result in increased noise and disturbance during times when the occupiers of neighbouring properties can reasonably expect to enjoy peace and quiet. It is important to note that Cumbria Constabulary or EPS have not received any complaints regarding persistent gathering or motor vehicle nuisance from the site. Furthermore McDonalds is some distance from residential properties and the separation by Kingstown Road and the associated traffic, albeit at a reduced flow, must be a consideration. On balance, the proposal is considered acceptable in this respect.

3. Other Matters

- 6.11 Objectors to this application have also raised the issue of litter that occurs locally and throughout the wider area that is discarded by patrons of the restaurant. Historically, there have been problems with litter from the restaurant and complaints have been made to EPS about this.
- 6.12 The applicants agent has provided a copy of the current litter patrol policies in place at McDonalds and the proposed policies that would be in place if the application was successful. At present there are dedicated members of staff employed to collect litter within a one mile radius of the site. The first trash walk is completed at 6am and covers two circular routes around the western periphery of the industrial estate (along Kingstown Road, Gearshill Road, Kingstown Broadway and part of Millbrook Road). A route around Kingstown Road and Gearshill Road is then patrolled at 10am, 2pm and 7pm with a final trash walk completed again at 8pm along the two circular routes. A maintenance man is also scheduled to look after the outside of the restaurant from 6am to 9pm and there are a number of litter bins scattered throughout the car park. The agent has also confirmed that there is a litter hotspot on Lowry Hill Road (which is tidied at least twice a week), litter patrol routes are reviewed every three months, neighbours are regularly asked if there are any concerns that need addressing and no mechanical equipment is used in the collection of the litter. The agent has indicated that if the application is successful a 5am and 11:30pm litter patrol would be introduced.
- 6.13 EPS have been consulted on the current/proposed litter policies and have indicated that McDonalds are appearing to make a reasonable effort to control waste outside their premises and the litter patrol policies outlined by the applicant agents are adequate. If Members are minded to approve the application it is recommended that a condition is imposed within the Decision Notice ensuring that the applicant adheres to the Litter Management Plan. Members are also reminded that the control of litter in the wider area can be dealt with via under the relevant Environmental Protection Acts.
- 6.14 Concerns have also been raised during the consultation period regarding the illegal parking of heavy goods vehicles on Kingstown Industrial Estate. Vehicles do park on the estate overnight but whether this is illegal, is not a planning matter and is not relevant to the consideration of this application.

- 6.15 The proposal has been considered against the provisions of the Human Rights Act 1998. Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion ← *All reports now have a conclusion.*

- 6.16 In conclusion, the merits of this application are finely balanced. On the one hand, planning policies seek to encourage economic expansion and provision of shops and facilities to meet with the increasingly varied demand as society's needs change. The opposing view is the potential impact that the increase trading hours could have on the living conditions of the occupiers of the nearby residential properties as a result of unacceptable levels of noise and disturbance. The comments from EPS show that no complaints have been received in respect of noise nuisance and that it is not anticipated that noise complaints would be generated as a result of the proposed increase in trading hours. Cumbria Constabulary has also received no complaints regarding persistent gathering or motor vehicle nuisance.
- 6.17 As this application is seeking a temporary consent for a 12 month period which allows monitoring to take place and given the marginal increase in trading hours together with the presence of Kingstown Road that bisects the application site from the neighbouring residential properties, on balance the proposal will not conflict with current Local Plan policies and is considered to be acceptable.

7. Planning History

- 7.1 Long and varied planning history the most relevant are:
- 7.2 In June 1997 (reference 97/0203), planning permission was granted for the erection of a restaurant (Class A3) together with associated drive through facility and ancillary staff storage and office accommodation including height restrictor barrier.
- 7.3 In March 2005 (reference 04/1570) planning permission was granted for the variation of condition 4 attached to planning consent 97/0203 to allow the premises to trade from 0630 until 2300 hours seven days a week.
- 7.4 In April 2005 (reference 05/0091) planning permission was granted for an extension to the front of the building to increase the restaurant floor area and extension to side to increase crew room floor area and new walled enclosure to rear to form storage area.
- 7.5 In July 2008 (reference 08/0059) planning permission was refused to vary condition 4 of planning permission 97/0203 to allow the restaurant to open between the hours of 6.30am to 11pm Sunday to Thursday, 6.30am Friday to 1am Saturday and 6.30am to 1am Sunday.

7.6 In 2010 (reference 09/1069) permission was granted for the refurbishment of the restaurant and patio area, with extension and changes to elevations; installation of customer order display.

7.7 In 2011 (reference 11/0079) planning consent was granted for the variation of condition 4 of 97/0203 to allow restaurant to open between the hours of 6am - midnight daily.

8. Recommendation: Grant Permission

1. The premises subject of this application shall only be open for trading between the hours of 05:00-01:00 for a maximum period of 12 months from the date of this permission unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified and to protect the living conditions of the occupiers of neighbouring properties in accordance with the objectives of Policy EC10 of the Carlisle District Local Plan 2001-2016.

2. The approved documents for this Planning Permission comprise:

1. The Planning Application Form received 16th March 2012;
2. The Site Location Plan received 16th March 2012;
3. The Litter Management Plan outlined in Emails From The Agent received 25th April 2012 and 16th May 2012;
4. the Notice of Decision; and
5. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The site shall be operated in accordance with the Litter Management Plan outlined in emails from the applicants agent dated 25th April 2012 and 16th May 2012.

Reason: To safeguard the visual amenities of the surrounding area in accordance with Policy EC10 of the Carlisle District Local Plan 2001-2016.
