

22 December 2025



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SUBMITTED VIA PLANNING PORTAL REF: PP-14576583

Dear Sir/ Madam,

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR PERMISSION TO DEVELOP LAND WITHOUT COMPLIANCE WITH CONDITION 14
OF PLANNING PERMISSION: BH/134/94/AP2
MCDONALD'S DRIVE THRU AND RESTAURANT, CIVIC WAY, BURGESS HILL, RH15 9AR
MCDONALD'S RESTAURANTS LTD**

We write on behalf of our client, McDonald's Restaurants Ltd, to apply for planning permission under Section 73 of the Act for development without compliance with Condition 14 of Planning Permission: BH/134/94/AP2. In effect, the application seeks permission for the existing McDonald's restaurant to trade between the hours of 06:00 – 00:00, 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;
- Planning Permission: BH/134/94/AP2;
- The completed application forms; and
- Noise Impact Assessment, prepared by Sustainable Acoustics.

As the application has been submitted electronically via the Planning Portal website (**PP-14576583**), payment for the application fee of **£586** has been made electronically.

Relevant Planning History

On 26 January 1995, planning permission was granted for '*Erection of a McDonald's 'drive-thru' restaurant with ancillary staff, storage and office accommodation together with local authority car park reorganisation and extension.*' (REF: BH/134/94/AP2) ('**1995 Permission**'). Condition 14 of this permission provided a restriction on the operational hours at the Site to between 07:00 and 23:00.

The Proposed Development

This application seeks permission for the continued use of the above site, without compliance with Condition 14 of the 1995 Permission, in order to enable the restaurant to operate between 06:00 – 00:00, seven days a week. The application therefore seeks an additional two hours of trading beyond the currently permitted hours of operation.

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 of the restaurant would increase by an hour in the morning trade period and an hour in the evening trade period.

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Justification for the Proposed Development

The proposed extension to the operating hours of the restaurant is not considered to result in any unacceptable impact on the existing levels of residential amenity. The Site is located at the edge of the town centre of Burgess Hill, which is characterised by commercial uses including Hot Food Takeaways, however there are also residential uses located to the west and south.

Based on experiences of other restaurants within the group, the bulk of the custom during the late-night hours will be drawn from passing trade rather than drawing people into the area. On that basis, we don't consider that the proposal will result in a noticeable increase in noise associated movements.

It follows that the proposed extension to opening hours is unlikely to cause an unacceptable impact on amenity levels as a result of an increase in people noise and/or disturbance. Notwithstanding this a Noise Impact Assessment ('NIA') has been undertaken to demonstrate that the proposals would be acceptable.

Noise Impact Assessment

As there are noise sensitive receptors located within close proximity to the restaurant the application is supported by NIA. The NIA outlines that an overnight attended noise survey was carried out at the Site between 22:00 – 08:00 on 19th – 20th November 2025.

The report concludes that the proposed extension to the operating hours would have a No Observable Adverse Effect Level ('NOAEL') in terms of people, vehicle and COD noise, as well as having a Lowest Observable Adverse Effect Level ('LOAEL') in terms of plant noise.

Mitigation measures (see Section 8 of the report) have been included to further minimise the risk of impact to residential amenity, and to ensure an acceptable noise environment for the neighbouring residential properties. It was specifically advised that the kitchen extract speed is reduced during the sensitive night hours in order to keep incident levels below the recommended internal noise levels at the nearest residential properties, this would reduce the plant noise impact to NOAEL.

A Premises Noise Management Plan ('PNMP') is also provided at Appendix C of the report, which if implemented is extended to proactively minimise any potential risk of noise resulting from plant noise or any antisocial-behaviour event. This is a precautionary measure as no anti-social behaviour was observed during the survey, and the risk of it considered to be very low. It is not considered necessary to add a condition in relation to this.

The technical evidence produced 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 the local economy.

Summary and Conclusion

This application seeks permission to develop land without compliance with Condition 14 of the 1995 Permission, to enable the restaurant to trade to operate between 06:00 – 00:00, seven days a week.

The proposed extension is required to ensure that the restaurant is better able to meet the demands of its established customer base and enhance its overall efficiency.

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 Amelia Robson or Brad Wiseman at these offices.

Yours faithfully,

