



Licensing and Regulatory Sub-Committee (Hearing)

Time and Date

10.00 am on Monday, 27th March, 2023

Place

Diamond Rooms 1 and 2 - Council House

Public Business

1. **Appointment of Chair**
2. **Apologies**
3. **Declarations of Interest**
4. **Application for a Premises Licence Application under the Licensing Act 2003** (Pages 3 - 60)

To consider an application for a Premises Licence for McDonalds, 275 London Road, Coventry

Note: The applicant and their representative have been invited to attend the hearing.

Persons who have made representations have been invited to attend.

The City Council's Statement of Licensing Policy is available on the Council's website. Alternatively, please contact us if you require a hard copy.

5. **Any Other Business**

To consider any other items of business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Julie Newman, Chief Legal Officer, Council House, Coventry

Friday, 17 March 2023

Note: The person to contact about the agenda and documents for this meeting is
Usha Patel/Carolyn Sinclair Email:
usha.patel@coventry.gov.uk/carolyn.sinclair@coventry.gov.uk

Membership: Councillors L Bigham, G Hayre and S Keough

Public Access

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Usha Patel/Carolyn Sinclair

Email:

usha.patel@coventry.gov.uk/carolyn.sinclair@coventry.gov.uk



Licensing & Regulatory Sub-Committee

27 March 2023

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Director of Street Scene and Regulatory Services

Ward(s) affected:

Cheylesmore

Title: Application for a Premises Licence Application under the Licensing Act 2003

Is this a key decision?

No

Executive Summary:

The purpose of this report is to consider an application for a Premises Licence application under the Licensing Act 2003 for McDonalds, 275 London Road, Coventry, CV3 4AR.

Recommendations:

The Sub-Committee is recommended to consider whether to:

1. Grant the application as requested.
2. Grant the application subject to such conditions that are necessary to promote the Licensing Objectives.
3. Refuse the application wholly or in part where it is necessary in order to promote the Licensing Objectives

List of Appendices included:

1. Premises Licence application
2. Plan
3. Representations
4. Planning Committee Decision Notice – 18.06.2020
5. Appeal Decision Notice – 12.05/2021
6. Location Plan
7. Hearing Procedure Note
8. Relevant Hearing Briefing Note

Other useful background papers:

Section 182 Licensing Act 2003 Guidance

It is a statutory obligation of the Sub-Committee to take into account the Government's Guidance to the Licensing Act 2003 before reaching a decision.

Statement of Licensing Policy

The Council will have regard to the policy when making a decision on applications made under the Act.

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

Not applicable

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Not applicable

1. Context (or background)

- 1.1 The Licensing Act 2003 requires Coventry City Council, as the Licensing Authority, to carry out its various licensing functions so as to promote the following four Licensing Objectives:
- The Prevention of crime & disorder
 - The Protection of public safety
 - The Prevention of public nuisance
 - The Protection of children from harm
- 1.2 A Premises Licence application for McDonalds, 275 London Road, Coventry was received on 30 January 2023. The application is requesting Late Night Refreshment from Monday – Sunday 23:00 – 05:00.
- 1.3 Six representations have been received from Other Persons. (Appendix 3). The representations state that granting the application could undermine the Prevention of Crime & Disorder & the Prevention of Public Nuisance licensing objectives.
- 1.4 The Licensing Act 2003 requires the Council to publish a ‘Statement of Licensing Policy’ which sets out the policies the Council will have regard to and apply to promote the Licensing Objectives when making a decision on applications made under the Act. The Policy will be available at the hearing for reference purposes.
- 1.5 It is essential that the Sub-Committee takes into account the government’s guidance to the Licensing Act before reaching a decision. The applicant, Responsible Authorities, or any other persons, should bring to the Sub-Committee’s attention any relevant paragraphs. However, it is suggested good practice for Members of the Sub-Committee to read the relevant paragraph(s) of the guidance prior to the hearing.

2. Options considered and recommended proposal

2.1 There are three courses of action available to the Sub-Committee in relation to this application:

- (i) Grant the application as requested. If the Sub-Committee consider that granting the application would not undermine any of the Licensing Objectives, it should be granted in full as submitted. This would be granted subject to mandatory conditions and conditions consistent with the applicant's operating schedule, and any other conditions agreed by the applicant as part of the consultation / mediation process. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
- (ii) Grant the application as above, but the Sub-Committee could impose extra conditions as it thinks fit, or make amendments to the operating schedule conditions, and/or proposed hours. This option may include adding any conditions suggested by other parties at the hearing, including the applicant. Any conditions to be attached to a licence must be appropriate to promote the Licensing Objectives.
- (iii) If the Sub-Committee concludes that no additional conditions would ensure that the Licensing Objectives would be upheld, then the whole application should be rejected.

2.2 Your officer recommends option (i).

The reason for this recommendation is that the applicant has voluntarily added the following condition that has been agreed with the Police:

"The premises CCTV digital recording system will have a minimum of 28 days recording capability and will be in operation whenever the premises are open for a licensable activity. At least one member of staff, fully trained to operate the CCTV shall be on duty at all times. All CCTV recordings shall be made available to the Responsible Authorities within 48hrs of a request".

The applicant has also added conditions in the operating schedule (Appendix 1) as follows:

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website: <http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing, and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

The Responsible Authorities who responded to the Consultation have not offered up further conditions because they consider the application to be suitably conditioned by the applicant for the type of business model and operation intended at the premise and if problems do occur then the Review procedure is available to both Responsible Authorities and any other persons.

- 2.3 The Sub-Committee are advised that they may depart from the officer recommendation if, having heard all the evidence, they believe it is appropriate to do so. Should the Sub-Committee decide to depart from the recommendation and choose an alternative option, they must provide full reasons for this decision, based on the promotion of the Licensing Objectives. This application should be considered on its own merits and all the circumstances taken into account before a decision is made.
- 2.4 The Sub-Committee must also be aware that licences can be reviewed at any time by any Responsible Authority or any 'other person', if it is considered that any of the Licensing Objectives have been undermined following the grant of the Premises Licence.

3. Results of consultation undertaken

- 3.1 As prescribed by the Licensing Act 2003, the application has been out for consultation to statutory consultees for 28 days. The notice was displayed at the premises from 30 January 2023 – 27 February 2023, the notice was checked by the Licensing Officer on two occasions during the 28 day period. Licensing applications are also published weekly in the Members Bulletin which is available to Ward Councillors.

3.2 Responsible Authorities have received a copy of the application. Please see below responses received:

Responsible Authority	Response Received	Objections	Conditions Agreed
Licensing	Yes	No	No
Police	Yes	No	No
Environmental Protection	Yes	No	No
Fire Safety	Yes	No	No
Health & Safety	No	-	-
Trading Standards	Yes	No	No
Planning	No	-	-
Safeguarding Children	Yes	No	No
Public Health	No	-	-
Secretary of State	No	-	-

3.3 Six representations from Other Persons have been received (Appendix 3). The grounds for the representation is that the granting of the Premises Licence would undermine the licensing objectives of the Prevention of Crime & Disorder and the Prevention of Public Nuisance.

3.4 A mediation meeting took place on 13 March 2023, but no common ground could be found.

3.5 The Planning application was recommended for approval by officers at Planning Committee on 18 June 2020. The Committee resolved to refuse planning permission (Appendix 4). McDonalds appealed this decision to the Secretary of State and planning permission was granted on 12 May 2021 (Appendix 5).

4. Timetable for implementing this decision

4.1 The Appeal period is 21 days beginning on the date that the Appellant(s) receive notification of the decision of the Licensing Authority.

5. Comments from Interim Chief Executive (Section 151 Officer) and Chief Legal Officer

5.1 Financial implications

There are no financial implications arising directly from this report. However, there are possible cost implications if an appeal against the decision is made to the Magistrates Court and the decision of the Sub-Committee is not upheld.

5.2 Legal implications

The Licensing Act 2003 sets out how applications for Premises Licences should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the four Licensing Objectives.

In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a Premises Licence, the applicant may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that alternative or additional conditions should have been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of receiving notification of the decision.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry Sustainable Community Strategy

It is the Regulatory Services team's responsibility to ensure that members of the public in Coventry are not put at risk. This contributes to the Council's core aim of ensuring that citizens live longer healthier lives. The business' failure to uphold the Licensing Objectives may have an adverse effect on Public Safety and citizen's quality of life.

6.2 How is risk being managed?

If the application is not handled in line with the Licensing Act 2003, there is a risk of judicial appeals, reviews and associated costs.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

This decision will not affect the service provision and therefore details of the Equalities Impact Assessment are not relevant in this case.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with the West Midlands Police, Community Safety Partnership, local people and those involved in child protection (Coventry Safeguarding Children Board) to promote the common objectives as outlined.

6.7 Human Rights Act Implications

None

Report author(s):

Name and job title:

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Carolyn Sinclair	Governance Services Officer	Law and Governance	06/03/2023	06/03/2023
Debbie Cahalin-Heath	Strategic Manager of Regulation	Regulatory Services	03/03/2023	06/03/2023

Davina Blackburn	Strategic Lead of Regulation	Regulatory Services	06/03/2023	09/03/2023
Names of approvers for submission: (officers and members)				
Syeda Ahmed	Regulatory Lawyer	Law and Governance	06/03/2023	09/03/2023
Cath Crosby	Lead Accountant	Finance	06/03/2023	08/03/2023
Andrew Walster	Director	Street Scene & Regulatory Services	09/03/2023	14/03/2023

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

M-01042628

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

McDonald's Restaurants Limited

* Family name

McDonald's Restaurants Limited

* E-mail

elaine.rayner@shoosmiths.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

01002769

Business name

McDonald's Restaurants Limited

If the applicant's business is registered, use its registered name.

VAT number

-

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

You must enter a telephone number

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

b) The prevention of crime and disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request.

Staffsafe

A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring

Continued from previous page...

centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

c) Public safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

d) The prevention of public nuisance

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the "Bin It" symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:

<http://www.mcdonalds.co.uk/ourworld/environment/policy.shtml>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

e) The protection of children from harm

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

If you operate a large event you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

* [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/coventry/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text" value="M-01042628"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)



NOTES
 Note:
 All fry stations have automatic fire suppression devices fitted.

Fire Strategy Legend :

- Fire exit door - Doors to include emergency release and 'fire exit' signage - 100mm white block letters on green background.
- 'Fire door keep shut' signage - 100mm white letters on green background.
- 'Fire Exit keep clear' signage - 100mm white letters on green background.
- 'Push bar to open' signage - 100mm white letters on green background.
- 'Fire exit' signage - 100mm white letters on green background.
- Fire instruction notice.
- 1.5KG CO2 Fire extinguisher with description signage to wall.
- 9 Litre water fire extinguisher with description signage to wall.
- 6 Litre aff foam spray fire extinguisher with description signage to wall.
- Fire blanket with description signage to wall.
- Ansul system
- Break glass alarm point
- Emergency Voice Communication System
- Emergency Call Point
- Evacuation Chair
- Disabled refuge intercom
- Smoke detector (optical)
- Heat detector (fixed temp)
- Heat detector (rate of rise)
- Combined smoke detector (optical) and sounder
- Flashing indicator light
- Electronic fire alarm sounder + beacon
- Fire alarm panel
- Fire alarm interface unit

Licensable activity:
 Sale of Hot food & Drink after 11pm.

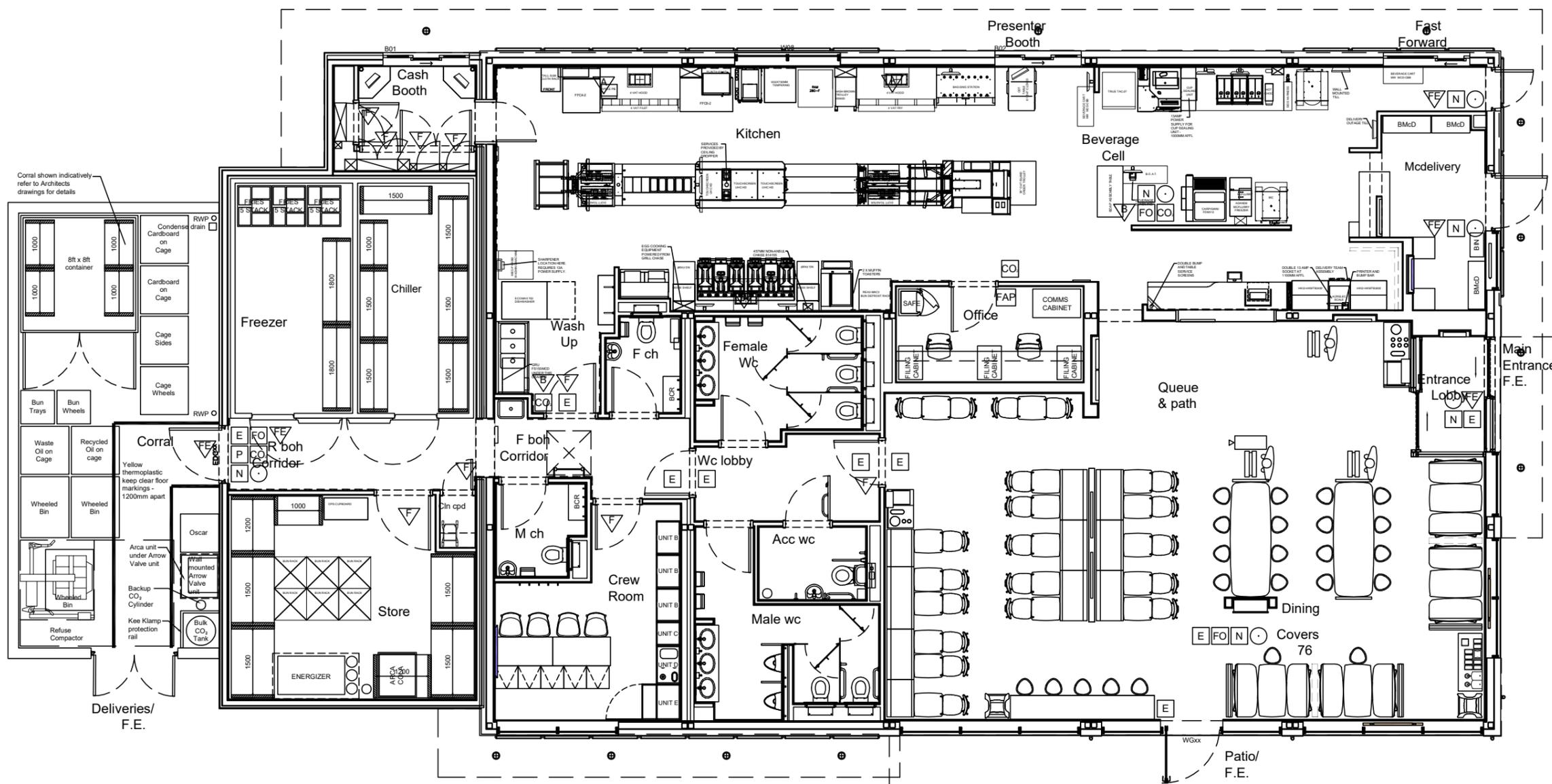
Rev. Date. Amendments

PROJECT
#1686 Coventry

 Abbey Park ASDA
 Coventry
 Warwickshire
 West Midlands

TITLE
**Ground floor plan
 (For Licencing)**

Date:	Jan 2023	Drawn:	C.T.S.G.	Discipline:	Arch
Scale:	1:100@A3	Type:	DRG. No.	Issue:	001
			L/1686/001		



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-----Original Message-----

From: [REDACTED]
Sent: 24 February 2023 15:29
To: Licensing <licensing@coventry.gov.uk>
Subject: McDonalds late night opening

Hello there

I am a Whitley resident and I am writing to oppose the application for the late night opening.

This restaurant originally was opposed by the local community, but somehow it was forced through. Now I see they would like the traffic, noise and anti social behaviour to continue through the night.

I am completely opposed as are the majority of the community, but this license application has been kept very quiet. I have only discovered it by chance. It would be nice if the council could represent the community which it serves rather than a global powerful organisation such as McDonalds.

I hope you really consider this application.

Kind regards

[REDACTED]

Sent from my iPhone

All e-mails are monitored by Coventry City Council's ICT Security, using Mimecast.

-----Original Message-----

From: [REDACTED]

Sent: 27 February 2023 07:22

To: Licensing <licensing@coventry.gov.uk>

Subject: Application by MacDonalds Restaurant 275 London Road Coventry CV3 4AR

Dear Licensing Panel

I hereby want to give notice that I wholeheartedly object to the application to extend the opening hours at the above mentioned establishment.

It is bad enough that the local community have had this restaurant foisted upon us following appeal out of town, but the thought that our lives will be disrupted further by all night trading is a step too far.

The necessity for fast food in the middle of the night is hardly anyone's priority, just a money maker for an already profitable business.

I believe that all night trading will lead to further traffic pollution which is as we all know bad for the environment and noise pollution for those residents living opposite the site.

I hope that you will consider this application putting the residents of Whitley first and do the right thing by refusing it.

Yours sincerely

[REDACTED]

Sent from my iPhone

All e-mails are monitored by Coventry City Council's ICT Security, using Mimecast.

From: [REDACTED]
Sent: 27 February 2023 13:29
To: Licensing <licensing@Coventry.gov.uk>
Cc: Glover, Jody <Jody.Glover@coventry.gov.uk>; Brown, Richard (Cllr) <Richard.Brown@coventry.gov.uk>; Bailey, Roger (Cllr) <Roger.Bailey@coventry.gov.uk>; Mosterman, Barbara (Cllr) <barbara.mosterman@coventry.gov.uk>
Subject: Re: McDonalds London Road - Objection

Dear Ms Masih

Thank you for your email. here are 2 points

1 The objection to the extended opening times goes against the grounds of "Prevention of Crime and Disorder" by opening a venue that anti-social elements can congregate at night and cause a public nuisance which is against the grounds of "Prevention of Public Nuisance".

2 You say "All Councillors are made aware of applications on a weekly basis through a bulletin." Please explain why the local Councillors were not aware of this application.

Regards

[REDACTED]

From: [REDACTED]
Sent: 26 February 2023 10:47
To: Licensing <licensing@coventry.gov.uk>
Subject: McDonalds London Road – Objection

Dear Sir/Madam

The notice has only just been seen for extending the hours at the unopened McDonalds. Hence there is a suspicion that the notice has not been on continuous display since the 30th January 2023. It could have been removed and replaced for example. Also the local Councillors were not aware of this application.

1 It is requested that the notice period be extended.

2 As this McDonalds has not even opened, it is clear that it was the original intention to have 24 hour operation. It appears clear that McDonalds are playing the system and Coventry for fools. McDonalds expected an application for 24 hour operation to be rejected. In fact the day time operation was also rejected but the experienced McDonalds lawyers ran rings around the Council and appealed claiming that the only valid view was the Planning Officers.

If McDonalds wanted 24 hour operation they should have been honest and applied for that in the original application. Hence any extension of the opening hours should be refused.

--

Regards



All e-mails are monitored by Coventry City Council's ICT Security, using Mimecast in accordance with the Regulations of Investigatory Powers Act 2000.

From: [REDACTED]
Sent: 27 February 2023 13:48
To: Licensing <licensing@coventry.gov.uk>
Subject: McDonalds Restaurants Limited applied to Coventry City Council
Importance: High

McDonalds Restaurants Limited applied to Coventry City Council

275 London Road, Coventry CV3 4AR

I am writing Yet again to Coventry City council regards the New Macdonland on address abvoe.

We petitioned and won first round objection as to why we object to the Mcdonalds

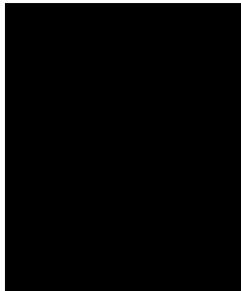
1. Being a Two storey
2. Being a 24 hours service

This application is totally unfair for residence living on the London Road who will be affected with more traffic late into the night early hours.

With doors shutting, people talking engines reving and the Tannoy from the service section. Along with the air conditioning units running.

Asda Petrol Station is NOT a manned 24 hours either.

Regards



-----Original Message-----

From: [REDACTED]
Sent: 24 February 2023 10:04
To: Licensing <licensing@coventry.gov.uk>
Subject: McDonald's licence

Hello,

I am writing to you with ref to the night opening hours of McDonald's at Asda, London Rd, Whitley.

I am against the hours of 23.00 to 05.00 Monday to Sunday on the grounds of noise, traffic, pollution, the promotion of unhealthy eating, the discarded rubbish.

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 24 February 2023 09:56
To: Licensing <licensing@coventry.gov.uk>
Subject:

Re 24 opening of the new McDonald's on London Road

Please note my objection to this. I've lived in Whitley for 41 years we didn't even want the take away in the first place, the increase in traffic on an already very busy road, the litter and the current access in and out of Asda will be compromised.

We certainly do not want it open 24 hours a day!

Regards

[REDACTED]

Sent from my iPad

All e-mails are monitored by Coventry City Council's ICT Security, using Mimecast.

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**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

Application No. : **FUL/2019/2814**
Registered on : **12/11/2019**
Re Site at : **Land at ASDA London Road**

Description of Development: Erection of a drive thru McDonalds restaurant with car parking, landscaping and associated works

Decision of Planning Committee on 18/06/2020

Coventry City Council as Local Planning Authority **REFUSE** permission for the development proposed in your application for the following reasons:

1. The applicant has failed to demonstrate that the proposed use will not result in an adverse impact on highway and pedestrian safety to overcome the concerns resulting from local knowledge of the highway network and pedestrian movement routes. As such it is contrary to Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016 and the aims and objectives of the National Planning Policy Framework.
2. It is considered that the distance of the site to the nearest local schools (Whitley Abbey Primary and Whitley Abbey Secondary School) is insufficient to allay concerns that the proposed development will not have an adverse impact on the health and wellbeing of children, parents, carers and staff as well as surrounding residents. As such with the objective to reduce health and inequalities of Coventry's population it is considered contrary to policy R6 of the Coventry Local Plan 2016 and the aims and objectives of the National Planning Policy Framework.

Application Number: FUL/2019/2814
Despatched on 22/06/2020
DNFREF

Tracy **Miller**
Head of Planning

In determining the application Coventry City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Coventry Local Plan 2016 set out below, and to all relevant material considerations, including the National Planning Policy Framework, and Supplementary Planning Guidance.

The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high-quality sustainable development.

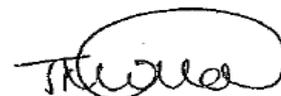
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy DE1: Ensuring High Quality Design
Policy DS3: Sustainable Development Policy
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
Policy EM4: Flood Risk Management
Policy EM5: Sustainable Drainage Systems (SuDS)
Policy EM7: Air Quality
Policy GE1: Green Infrastructure
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy GE4: Tree Protection
Policy IM1: Developer Contributions for Infrastructure
Policy JE7: Accessibility to Employment Opportunities
Policy R4: Out of Centre Proposals
Policy R6: Restaurants, bars and Hot Food Takeaways

INFORMATIVES

For the avoidance of doubt, this decision relates to the following drawings, letters or associated documentation that may have been submitted with the application.

Standard Patio Area Supporting Specifications; Odour Control; Power Inverter Heat Pump; General Arrangement Plan dwg no. 219449/2; General Arrangement dwg no. MCW0D001; Ventilation Layout; Hot Water Option; Extraction Fan Details; Wall Fan Details; Motor Position; Fan Performance Curve; Overdoor Heaters; Goal Post and McDigit COD Canopy Brochure; Utility Survey; Site Survey; Noise Report; Proposed Building Sections; Proposed Floor and Roof Plan dwg no. 1006; Existing Site Plan dwg no. 1003; Location Plan; Sequential Test; Supporting

Application Number: FUL/2019/2814
Despatched on 22/06/2020
DNFREF



Tracy **Miller**
Head of Planning

Statement; Drainage Maintenance Plan; Drainage Statement; Site Investigation Report; Transport Assessment; Tree Survey and Arboricultural Impact Assessment Dwg: 7429-D-AIA Rev B; Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan Rev B; Proposed Elevations Dwg: 7305_AEW_8761_1005 Rev E; Block Plan Dwg: 7305_AEW_8761_1002 Rev B; Proposed Site Plan 1004 Rev F; Proposed Landscape Plan 1015 Rev C; Detailed UXO Risk Assessment Ref. DA7058-01 dated 12/05/2020.

You are advised that if your proposal involves works covered by the Party Walls etc Act 1996. You are recommended to seek independent advice. Booklets are available from the Planning Advisory Desk & HMSO.

- **PROTECTED SPECIES**

A number of European Protected Species are found in Coventry. Please be aware that any development may have implications and / or adverse impact on species and habitats which are protected by the Wildlife & Countryside Act 1981; the Habitat Regulations 1994; the Conservation of Habitats & Species Regulations 2010 and by other European Legislation. The permission given by this notice does not override the protection afforded to these species and their habitats. Please be aware that it is the developers / landowners / contractors responsibility to ensure that any work being carried out will not harm any protected species. For more information on protected species please visit <http://www.naturalengland.gov.uk>.

If evidence of protected species is found, work should stop immediately while Natural England (01453 764450) is contacted for advice on the best way to proceed. If any conditions concerning protected species are attached to this decision you are advised to contact the Planning Department at Coventry City Council on ecology@coventry.gov.uk before commencing development or submitting any necessary discharge of conditions applications.

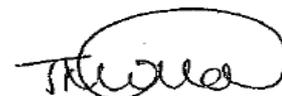
- **APPEAL RIGHTS**

If you are aggrieved by the decision of the City Council to refuse permission for the proposed development subject to conditions, you can appeal to the Department of Communities and Local Government under Section 78(1) of the Town and Country Planning Act 1990 (as amended). An appeal must be made within **six** months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be

Application Number: FUL/2019/2814
Despatched on 22/06/2020
DNFREF



Tracy **Miller**
Head of Planning

prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

If permission to develop land is refused, whether by the City Council or an appeal by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or may be permitted. In these circumstances, the owner may serve a purchase notice on the City Council requiring the Council to purchase the interest held in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

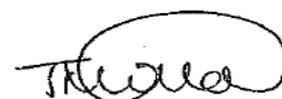
In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused by the Secretary of State on appeal or on a referral of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 114 & 120 and related provisions of the Town and Country Planning Act 1990.

• **MINING INFORMATIVE**

The proposed development lies within a coal mining area (either an area of old workings or active and future workings, or an area of proved coal resources) and therefore could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heating and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

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DNFREF



Tracy **Miller**
Head of Planning

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

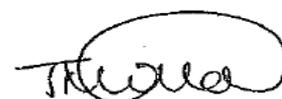
In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

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DNFREF



Tracy **Miller**
Head of Planning

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Appeal Decision

Site Visit made on 19 April 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/U4610/W/20/3265208

Land at Asda Stores Ltd, London Road, COVENTRY CV3 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McDonald's Restaurants Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2019/2814, dated 11 November 2019, was refused by notice dated 18 June 2020.
 - The development proposed is the erection of a freestanding drive thru restaurant with carparking, landscaping & associated works including customer order displays.
-

Decision

1. The appeal is allowed. Planning permission is granted for the erection of a freestanding drive thru restaurant with carparking, landscaping & associated works including customer order displays at Land at Asda Stores Ltd, London Road, COVENTRY CV3 4AR, in accordance with the terms of the application, ref FUL/2019/2814 dated 11 November 2019, and subject to the submitted Legal Agreement and attached schedule of conditions.

Application for costs

2. An application for costs was made by McDonald's Restaurants Ltd against Coventry City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A S106 Legal Agreement¹ has been submitted in the form of three counterpart copies, each one having been signed individually by one of the principal parties. This approach has been taken as the principal parties have been unable to produce a more conventional Agreement due to logistical issues created by Covid-19. Each Agreement has been certified as a true copy and I am therefore satisfied to accept it in this form. The Agreement would provide funding for highway improvements and traffic management measures on London Road and the roundabout adjacent to the site. The Agreement would also fund tactile paving at the ASDA junction and tactile paving and barriers on Humber Road. I shall return to this later in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on highway safety, with particular respect to the local highway network and pedestrian movement routes, and

¹ S106 Legal Agreements – Counterparts dated 13 April (Coventry City Council), 13 April (ASDA), and 13 April (McDonald's Restaurants Ltd)

- the effect of the proposal on the health and wellbeing of children, parents, carers and staff of local schools.

Reasons

Highway safety

5. The proposed restaurant would be located within an area of a car park serving a food store (ASDA). Vehicular access from the proposed restaurant would connect onto the food store's internal road system which would, in turn, connect with an arm of the adjacent roundabout. The roundabout has five arms and is located on a main arterial route from the City Centre. London Road forms two arms of the roundabout and separates the residential area of Whitley from the appeal site. London Road has recently been subject to a speed limit reduction from 40mph to 30mph.
6. During my visit I observed that off-peak traffic levels were relatively high, with pedestrians required to wait some time to cross junctions. Furthermore, the Eastbound junction of London Road has a pedestrian crossing, but this is absent a call button or lights to indicate when it is safe to cross. The westbound crossing point on London Road was unsignalised, although traffic here seemed lighter. As a result, and in consideration of the evidence submitted, it is clear that the current pedestrian access to the site from Whitley is not especially safe for pedestrians.
7. The National Planning Policy Framework (The Framework) requires all development that would generate a significant amount of traffic movement to be supported by a transport assessment to assess the likely impacts. The appellant's Transport Assessment² (The Assessment) uses other McDonalds sites and the Trip Rate Information Computer System for comparison purposes to determine the anticipated impact of the proposal on the local highway. This approach has been agreed as suitable in this case by the Highway Authority. The data illustrates that peak usage would be around 44 vehicles on a Friday Peak time and 28 vehicles on Saturday Peak time, resulting in a limited increase in comparison to the existing traffic levels. The Assessment illustrates that the existing road network has the capacity to accommodate the proposed traffic activity despite the busy nature of local roads.
8. Nevertheless, the appellant's traffic modelling has identified that the traffic levels through the roundabout would be better balanced through the introduction of an intelligent traffic management system (MOVA). Its introduction would mean that the additional vehicles would have no material impact on the operation of the roundabout. Also, the proposed highway works would include the upgrading of the pedestrian crossing facilities adjacent to the southeast corner of the site across London Road to full signal control (ADL Proof of Evidence, appendix 18). This would create a safe crossing route for pedestrians from the Whitley residential area.
9. Additionally, pedestrian safety could also be further improved through the addition of tactile paving around the food store and Humber Road junctions and railings around the Humber Road junction. I find that these measures, as detailed within the Assessment, would be necessary to reduce the risk of accidents occurring in response to the increase in pedestrian activity associated

² ADL Traffic and Highways Engineering Ltd, November 2019.

with the proposal. Furthermore, once delivered, such measures would provide suitable and safe crossing points for pedestrians.

10. Although the Council and interested parties consider that highway risks for pedestrians crossing London Road would be high, this has not been shown in the technical evidence. I therefore see no compelling reason to disagree with the conclusion of the Transport Assessment or the corroborating comments of the Highway Authority.
11. Furthermore, although the roundabout has been subject to accidents in the past, these do not appear to form a pattern which might indicate that its operation or geometry is flawed. As such, accident data associated with the pedestrian routes to the site including London Road, do not show a pattern that is clearly harmful to pedestrian safety. Furthermore, the anticipated pedestrian flow data, and the proposed routes of pedestrians, do not show that the route would be especially hazardous. Therefore, subject to the proposed mitigation, the proposal would not have an unacceptable impact on highway safety.
12. The value of the proposed mitigation works has been determined by the Highway Authority and would be undertaken by the Council once in receipt of the appellant's financial contribution in combination with funding already in place. This would therefore be consistent with Policy IM1 of the Coventry Local Plan (2017) (LP). This policy seeks developer contributions towards infrastructure where this is necessary to support the needs of the development. As such, I am satisfied that the highway improvement sum meets the statutory tests of Regulation 122³ as being necessary and reasonable. The Legal Agreement is a certified and executable document. This provides for the required sums and for them to be paid prior to the commencement of development. Consequently, the method and approach to identifying the required sum is robust and it has been clearly identified where this would be used.
13. Therefore, the effect of the proposed development on highway safety, with particular regard to the local highway network and pedestrian movement routes, would be acceptable following mitigation. As a result, the proposal would accord with policies AC1, AC2 and AC3 of the LP. These seek, among other matters, for development to integrate with existing transport networks and to apply appropriate interventions to mitigate negative impacts. These policies are consistent with the Framework which seeks development to be allowed that would not result in an unacceptable impact on highway safety.

Health and wellbeing

14. Policy R6 of the LP includes the requirement for proposals for restaurants to be in accordance with the Council's Hot Food Takeaway Guidance⁴ (the Guidance). An important purpose of the policy is to manage the prevalence of hot food takeaways in some areas to improve the populations health and wellbeing.
15. The Guidance identifies that the consequences of obesity is a growing problem for the City and creates a significant burden on the health and wellbeing of residents. The Guidance therefore limits the proximity of these uses close to schools. Appendix A of the guidance defines 'school zones' as areas approximately within a 5-minute walk of schools, within which new hot food

³ Community Infrastructure Levy Regulations 2010

⁴ Coventry City Council – Hot Food Takeaway Supplementary Planning Document 2019

takeaways would not be appropriate. This document is a material consideration, and whilst not in itself being determinative, it provides clear guidance with respect to the location of proposed restaurants.

16. The appeal site is not within a 'school zone' as defined by Appendix A. As such, whilst the Council considers that the site is close to two schools, these are not within its prescribed 5-minute walk of the appeal site. The site is therefore deemed to be, in principal, an acceptable location in this regard and would satisfy the Council's Hot Food guidance.
17. The facility would be located on a main road in a relatively prominent position. As such it would be likely to draw custom from a wide catchment. This would not in itself be contrary to the objectives of the Council's guidance.
18. Consequently, it has not been demonstrated that the proposal would have a harmful effect on the health and wellbeing of children, parents, carers and staff of local schools. Accordingly, the proposal would accord with policy R6 of the LP and the Framework which seeks for development to achieve healthy and inclusive places.

Other Matters

19. The nearest residential properties are around 60 metres to the south of the site across London Road. Conditions have been suggested that would require the extract system to meet the Council's requirements, limit delivery hours and to comply with the recommendations of the Noise Assessment. As a result, the impact of the proposal with respect to noise, smell and light pollution would be negligible. Furthermore, due to the separation distance and landscape screening, the impact of the proposal on the privacy of residential occupiers would also be limited.
20. It is understood that preparatory work for the proposal has resulted in the loss of a semi-mature tree and some associated planting. As a result of this loss a condition has been suggested that would require two new trees to be planted. This would supplement new landscaping already proposed in support of the scheme. As a result, the limited loss of green infrastructure could be adequately off-set by replacement planting.
21. Conditions have been suggested that would require any new gas boiler to meet a low emission rate and for the car park to include an electric car charging point. As a result, the effect of the proposal on air pollution would be adequately addressed by these measures.
22. Interested parties have raised concerns that the proposal fails to take into account the traffic associated with recent local development including at City Heritage Park, Blue Coat School, housing associated with allocation policy H2:9 and the recycling facility on London Road. However, the first two developments are some distance from the site. Also, the housing estate was allowed, without the requirement for highway improvements, as sufficient funds were already in place for planned improvements to the roundabout through the Whitley South development⁵. Also, heavy goods vehicles associated with the approved recycling facility would principally operate during off-peak times. Accordingly, I am satisfied that the nearby approved development would have only a negligible impact on traffic levels using the roundabout. As such, considered

⁵ Coventry City Council, Highway Authority consultation response 16/12/20

cumulatively, these recent developments would have a limited impact on the traffic modelling undertaken in support of the proposal.

23. The site is within a foodstore car park. Policy R6 of the LP seeks to locate restaurants and hot food takeaways within defined centres. Although outside a defined centre, the sequential test has shown the site to be sequentially preferable having considered and eliminated any sequentially preferable sites within the identified local centres.
24. Comments from West Midlands Police indicate that crime levels associated with the type of restaurant proposed are not as high as those already recorded on site. Nevertheless, the existing crime levels may raise slightly as a result of the proposal. However, crime and anti-social behaviour is best addressed through anti-crime measures such as windows that provide natural surveillance of the car park, the installation of CCTV and by ensuring that the site is well illuminated at night. The Council is satisfied that the proposal has taken crime and security measures into account in the design and I can see no reason to disagree with this assertion. Consequently, the proposal would not raise substantial concerns with respect to crime and antisocial behaviour. I am also satisfied that litter can be adequately managed by the operator's stated approach to a regular litter picking regime.
25. The proposed restaurant would replace 79 parking spaces within the superstore's car park and assign 30 spaces for the restaurant. This would retain 398 spaces for the food store. Surveys undertaken by the appellant has illustrated that the foodstore has an over provision of parking. Consequently, the proposed loss of parking spaces would be unlikely to result in overspill parking or congestion on local roads.
26. I have also taken into account representations made in regard to the type of jobs offered by the operator and the proximity of other similar restaurants, but these matters do not affect my findings on the main issues.

Conditions

27. I have considered the use of conditions in line with guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose these with some amendments and adjustments for clarity. I have simplified the condition in regard to new tree planting to remove the replacement planting element as this is repeated elsewhere.
28. I have imposed the standard conditions advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions with respect to unexploded ordnance, unexpected contamination and requiring compliance with the Geo Environmental Strategy are required to safeguard health and safety in respect of policy EM6 of the LP [3, 4 and 5]. Conditions relating to the Construction Environmental Plan, compliance with the Noise Assessment and goods delivery times, and details of fume extraction are necessary to safeguard the living conditions of nearby residents [6, 7 and 9]. A condition is also necessary to mitigate the impact on air quality in accordance with policy DS3 of the LP [8]. Furthermore, conditions are necessary with respect to replacement tree planting, tree protection measures, landscaping details and for the scheme to be constructed in the annotated materials in the interests of the character and appearance of the area [10, 11, 12 and 14]. A Further condition is necessary,

in regard to drainage matters, to satisfy policies EM1, EM4 and EM5 of the LP [13].

29. The application form indicates that the proposed hours of use would be 6am to midnight daily. The Council has not suggested a condition to limit the hours of use and one has not been recommended by the Council's Environmental Protection officer. This accords with the findings of the Noise Assessment⁶ which found noise from the car park would be no higher than background noise levels at any time. The site is away from residential properties, beyond London Road and adjacent to a 24-hour petrol filling station. Therefore, although the officer report indicates that control over hours of use may be required, such a requirement would not be necessary in this context.

Conclusion

30. The proposal would accord with the development plan. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal is allowed and planning permission is granted subject to the attached conditions and associated S106 Legal Agreement.

Mr Ben Plenty

INSPECTOR

⁶ Loven Acoustics, Noise Impact Assessment 30/10/19

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Landscape Plan 7305 AEW 8761 1015 Rev C; Proposed Site Plan 7305 AEW 8761 1004 Rev F; Block Plan: 7305 AEW 8761 1002 Rev B; Proposed Elevations: 7305 AEW 8761 1005 Rev E; Proposed Floor and Roof Plan: 7305 AEW 8761 1006; Proposed Building Sections: 7305 AEW 8761 1061; and Location Plan: 7305 AEW 8761 1001.
- 3) The development hereby permitted shall only proceed in strict accordance with the recommendations of the approved 'Detailed Unexploded Ordnance (UXO)' report; Ref. DA7058-01, dated 12/05/2020.
- 4) In the event that contamination or unusual ground conditions are encountered during the development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared for submission to and approval in writing of the Local Planning Authority. Following completion of the measures identified within the approved remediation scheme, a verification report must be prepared for submission to and approval of the Local Planning Authority.
- 5) The development shall only be undertaken in accordance with the recommendations in the Geo-Environmental Site Investigation by Pam Brown Associates and placement of a clean cover system across landscaping areas shall be provided as a suitable planting medium. Verification of this shall be submitted to the Local Planning Authority for approval in writing prior to the first operation of the restaurant.
- 6) The development hereby approved shall be carried out in strict accordance with the details in the approved Construction Environmental Management Plan Issue:4 10 March 2020.
- 7) The development hereby approved shall be adhere to the approved noise assessment by Loven Acoustics, dated 30th October 2019 and reference LA/1632/01aR/ML at all times and Goods deliveries shall only take place between 06:00 and 22:00 hours Monday to Saturday and 08:00-20:00 on Sundays and Bank Holidays, and shall adopt the good practice measures contained within section 7.9 of the noise report for the operation of the restaurant.
- 8) Any gas boilers installed on site shall have a dry NO_x emission rate of no more than 40mg/kWh. A minimum of one electric vehicle recharging point shall be provided prior to commencement of the operation and shall not be removed or altered in any way and shall be kept available for such use by customers at all times.
- 9) The use hereby permitted shall not commence unless and until the fume extraction and odour control equipment has been fully installed in its

entirety in accordance with the approved kitchen extract odour control document. The equipment shall thereafter be permanently maintained in full accordance with the manufacturer's instructions and be operated at all times when cooking is carried out.

- 10) Within three months of the implementation of the development hereby permitted two trees, *Aesculus X Neglecta* 'Autumn Fire' at semi-mature specification 20-25cm girth shall be planted as per the approved proposed site plan 1004 Rev E.
- 11) No development or other operations (including any demolition, site clearance or other preparatory works) shall commence unless and until the tree protection measures identified in the approved application documentation have been put into place in strict accordance with the approved 'Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan Rev B' and thereafter they shall remain in place during all construction work. In addition no excavations, site works, stock piling, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy or root protection area of any protected tree(s); no equipment, machinery or structure shall be located within this zone; no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).
- 12) Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the type of bricks and colour of the railings and gates; footpaths; and hard surfacing (which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area). The hard landscaping works shall be completed in strict accordance with the approved details within three months of the first occupation of the restaurant hereby permitted; and all planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes; in the opinion of the Local Planning Authority; seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations.
- 13) Prior to the occupation of the development hereby permitted the following drainage details shall be submitted to and approved in writing by the Local Planning Authority: i. A scheme for the provision of surface water drainage,

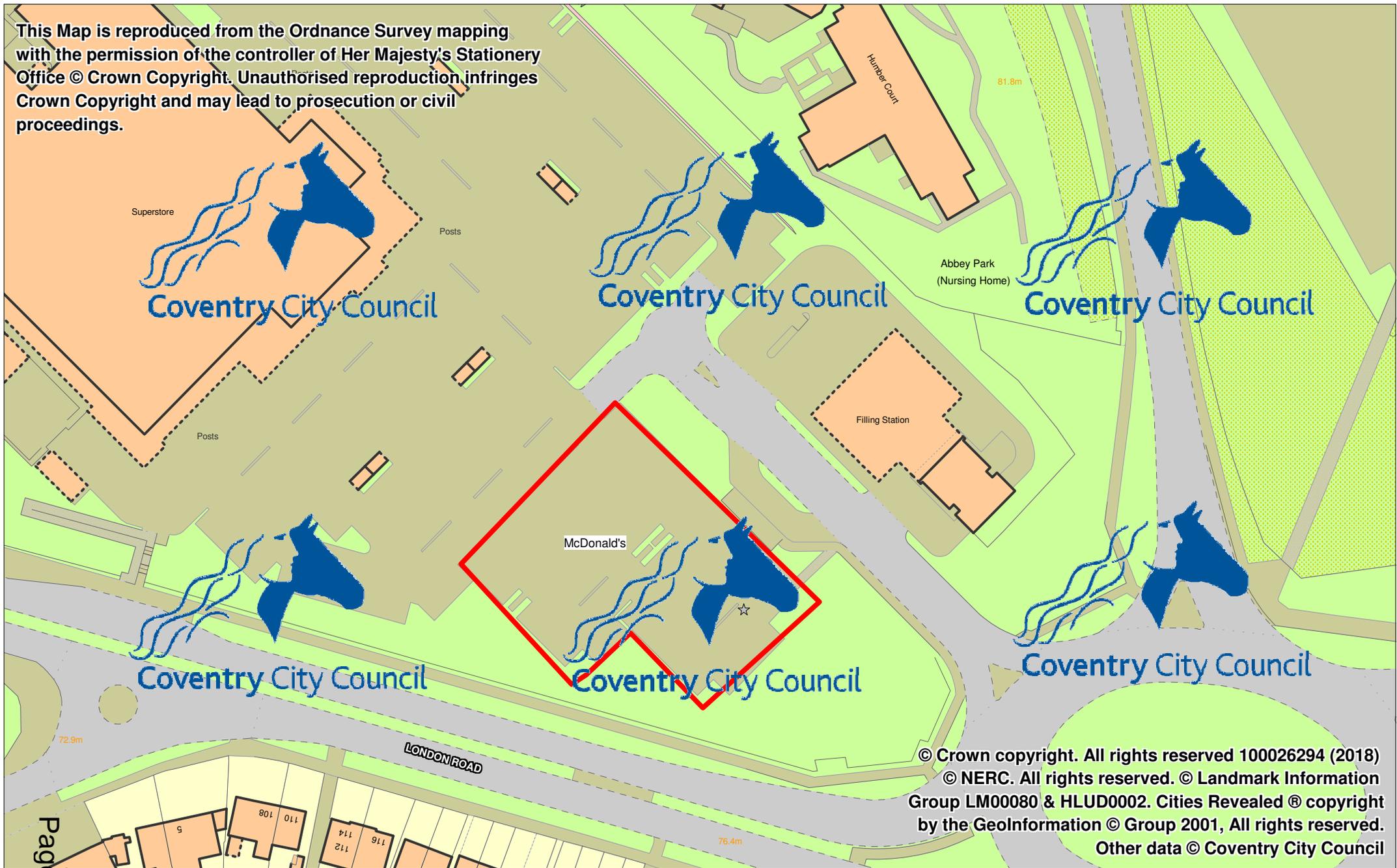
incorporating SuDS attenuation techniques and a limited discharge rate (of 5l/s). ii. A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site. iii. A 5m way leave from the top bank of any ordinary watercourse to the building line. iv. An appropriately scaled intrusive ground investigation report to establish the depth and type of strata, including percolation results in accordance with BRE 365 and the presence and risk associated with migrant contaminants. v. permeable paving or similar permeable material for the management of total surface water flows, and water filtering in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'. vi. a scheme to install trapped gullies serving the vehicular car access and parking facilities, together with a periodic maintenance plan. vii. Where new or redevelopment site levels result in the severance, diversion or the reception of natural or engineered drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows and discharge these by a method approved by the Local Planning Authority. viii. Foul drainage plans. The drainage details shall be installed in full accordance with the approved documentation prior to occupation of the development and thereafter shall be maintained and shall not be removed or altered.

- 14) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan reference 'Proposed Elevations: 7305 AEW 8761 1005 Rev E'.

End of Conditions

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Coventry City Council

LICENSING ACT 2003

LICENSING SUB-COMMITTEE

HEARING PROCEDURE NOTE

1. The Members of the Sub-committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-committee and its supporting officers (normally a legal adviser and a minute taker) and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant further documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties' consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority has notified the parties of any points that the authority wanted clarification on at the hearing?
7. The Chair will invite the applicant/licensee/review applicant (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-committee to ask the applicant/licensee/review applicant (or representative) questions.
9. The Chair will invite each objector/review review respondent (or representative) to present their case (maximum 20 minutes each)
10. The Chair will invite Members of the Sub-committee to ask each objector/review respondent (or representative) questions.
11. The Chair will invite each objector/review respondent (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
12. The Chair will invite the applicant/licensee/review applicant to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).

*[13. The Members of the Sub-committee will retire with their supporting officers to make their decision.

14 The Members of the Sub-committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.

15. The Sub-committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 5 working days of the determination.

* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-committee to make its decision.



Coventry City Council

Licensing Act 2003

Briefing Note 1 – Hearing to Consider a Premises Licence Application

Background

A Premises Licence is required before any licensable activity can take place on any land, vehicle or vessel and where that activity will not be covered by a Club Premises Certificate or a Temporary Event Notice. The application can be made by a living individual aged 18+ or by a corporation. The application must include an "operating schedule" and a plan of the premises. If it is intended to supply alcohol from the premises, the application must specify a "Designated Premises Supervisor" who will be the person having day-to-day responsibility for the premises. The "Operating Schedule" states the kinds of licensable activities that will be taking place on the premises, the proposed times of opening and the steps proposed to promote the four licensing objectives. Premises Licences remain in force indefinitely unless a time-limited licence has been requested.

A hearing is required because "relevant representations" (i.e. relevant to the licensing objectives) have been made by a "responsible authority" (i.e. police, fire or local government agencies) or any other person or both.

Section 182 Guidance (Apr 2018)

Particular reference should be made to Parts 9 and 10.

Local Statement of Licensing Policy (2016)

Particular reference should be made to Parts 4, 5, 6, 7

Human Rights Act

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the applicant's and objectors' civil rights. A decision to grant a licence will only be regarded as infringing the Article 8 rights of local residents/businesses if any noise/disturbance likely to be caused is of an extreme nature. Given the police powers to close premises in these circumstances this is unlikely to be an issue at application stage.

The Sub-committee's powers

Having heard from the applicant and the other parties the sub-committee may:

- (a) grant the application; or
- (b) grant the application with additional or modified conditions; or
- (c) exclude one or more licensable activities from taking place on the premises; or
- (d) where the Police have objected to the proposed DPS, refuse to agree to the proposed "designated premises supervisor"; or
- (e) reject the application outright

Rights of Appeal

An aggrieved applicant can appeal to Coventry Magistrates' Court against any decision made by the sub-committee that falls within (b) – (e) above. An aggrieved objector can also appeal against the grant of an application.

Monitoring/Enforcement

If an application is approved, monitoring and enforcement of Premises Licence conditions will be carried out in accordance with the Licensing Enforcement Policy.