

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2019/2814
<b>Site:</b>	ASDA Car Park, Abbey Park, London Road
<b>Ward:</b>	Cheylesmore
<b>Proposal:</b>	Erection of a drive-thru McDonalds restaurant with car parking, landscaping and associated works
<b>Case Officer:</b>	Shamim Chowdhury

## SUMMARY

The application seeks permission to erect a freestanding single storey building and associated works for a drive thru McDonalds restaurant on part of the ASDA car park on London Road, Whitley. The site is situated outside of a defined centre and a sequential assessment has been provided to justify that the site is acceptable for the proposed development in principle. The new building would be away from the protected trees and landscaped area adjacent to London Road and roundabout junction. The vehicular and pedestrian access to the proposed restaurant would be through the existing ASDA accesses. The proposal includes improvement to the existing pedestrian crossing on London Road and upgrading the traffic management system for the surrounding highway which would be delivered through section 106 agreement. The remaining ASDA car park following the proposed development is considered sufficient to provide car parking spaces for the ASDA shoppers and McDonalds customers. The proposal is not considered to have significant impact on the surrounding neighbouring amenities in terms of noise, smell and litter. The proposal is considered to accord with the Coventry Local Plan 2016 and is therefore recommended for approval.

## BACKGROUND

The application is a revised submission following withdrawal of the previous application which sought a two-storey building and associated works for a 24-hour drive thru McDonalds restaurant. Following officers' and residents' concerns the application was withdrawn and the developer carried out a public consultation before the submission of this current application. In the current submission, the design of the building has been changed and reduced to a single storey building. The proposed opening hours is from 6am to midnight every day. In this submission new measures have been included to improve the pedestrian and highways safety as well as additional trees to be planted as part of the landscape scheme. This application was supposed to go before the Planning Committee meeting scheduled on 25th March 2020, however due to Covid-19 Pandemic the meeting was postponed. Since then, the applicant has resolved one of the pre-commencement conditions related to Unexploded Ordnance Contamination and a risk mitigation strategy. This condition (No.3) has been updated accordingly.

## KEY FACTS

<b>Reason for report to committee:</b>	More than 5 objections and a petition with 325 signatures against the proposal
<b>Current use of site:</b>	Surface level car park for ASDA supermarket
<b>Proposed use of site:</b>	A free-standing single storey building and associated works for a drive thru McDonalds restaurant.

## **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions and subject to the completion of a S106 Agreement to secure the contributions listed in the Developer Contributions section of this report. Failure to complete the agreement by 29 April 2020 may result in the application being refused.

## ***REASON FOR DECISION***

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal makes provision for necessary developer contributions.
- The proposal accords with Policies: DE1, DS3, R4, R6, AC2, AC3, AC4, GE1, GE2, GE3, GE4, JE7 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## APPLICATION PROPOSAL

The planning application seeks permission to erect a freestanding single storey building and associated works to erect a drive thru McDonalds restaurant on part of the ASDA car park. The restaurant would sell food and drink for consumption on and off the premises and therefore the premises would be a mix of A3 (café/restaurant) and A5 (hot food takeaway). The proposal would also include car parking, landscaping and associated works, including customer order displays (COD). The customer seating area comprises 100 covers and would operate from 6am until midnight every day.

The application is accompanied by a Transport Statement; Site Investigation Report; Noise Report; Construction Management Plan; Arboricultural Impact Statement and Tree Survey; Sequential Test; Ventilation and Extraction Details; Drainage Statement and Management Plan including plant details, details of patio furniture and details of provisions to facilitate drive thru service.

A pedestrian access point has also been incorporated as part of the proposal.

## SITE DESCRIPTION

The application site is part of the London Road ASDA car park opposite to the ASDA petrol filling station. The ASDA roundabout junction (junction with London Road, Allard Way and Humber Road) is to the west beyond the landscaped area of the land. To the north of the site, beyond the ASDA car park and filling station, there are nursing/retirement homes with access from Humber Road. There are residential dwellings facing London Road to the south. Generally, the north of the site is dominated by commercial activities, including council offices and industrial units and predominantly residential dwellings are to the south of the site.

## PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
FUL/2019/0649	Erection of a two storey McDonalds restaurant with drive-thru, car parking, landscaping and associated works	Withdrawn, 09/05/2019
FUL/2018/1851	Extensions to store to provide improved toilet and pharmacy facilities (retrospective application)	Approved, 23/08/2018
FUL/2015/3573	Hand car wash and valet bays with canopy and cabin within supermarket car park	Approved, 05/09/2016

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high

quality design and states that it is “fundamental to what the planning and development process should achieve”.

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy R4: Out of Centre Proposals

Policy R6: Restaurants, bars and Hot Food Takeaways

Policy DE1 Ensuring High Quality Design

Policy DS3: Sustainable Development Policy

Policy GE1 Green Infrastructure

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Policy JE7: Accessibility to Employment Opportunities

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

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 IM1: Developer Contributions for Infrastructure

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPD Hot Food Takeaway

SPD Delivering a More Sustainable City

SPD Coventry Connected

### **CONSULTATION**

No Objections received from:

- Public Health; West Midlands Police

No objections subject to conditions/contributions have been received from:

- Environmental Protection; Highways; Ecology; Trees; Drainage

Immediate neighbours and local councillors have been notified; two site notices were posted on 22 November 2019.

18 letters of objection and a petition with 325 signatures (sponsored by Cllr Baily) have been received, raising the following material planning considerations:

- a) increased traffic will cause additional periods of gridlock and longer tailbacks at an island that is already a very dangerous junction, particularly at school pick up time
- b) Loss of ASDA parking spaces that are needed for shoppers.
- c) Loss of green space, trees

- d) Loss of green space and open views, subsequently affect the privacy of residence on London Road facing the side of the building
- e) Air pollution from increased traffic and stationary vehicles with engines running
- f) Increase in noise and litter and unpleasant smell
- g) Anti-social behaviour
- h) Light pollution from McDonalds signs and vehicle lights
- i) Close proximity to schools would contribute towards child obesity
- j) Opening hours till midnight is detrimental to the living conditions of the nearby residents, 11pm to be a more suitable closing time.
- k) Adding a pedestrian phase to the crossing of the eastbound A4082 (London Rd.) carriageway is not enough as there is no signal controlled crossing on the westbound carriageway.
- l) Transport Assessment is not sound, it has not assessed adequately the real impact of additional traffic on the adjacent road networks.

2 letters of support have been received, however they have not provided any additional supporting statement.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- m) There are plenty of McDonalds restaurants within a couple of miles radius of the site, there is no need for another McDonalds restaurant
- n) The jobs it provides are not high paid, quality skilled or balanced work

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are the principle of the development, design and character of the area including impact on the adjacent trees and landscape features, impact upon neighbouring amenity, and highway considerations.

### **Principle of development**

Sustainable Development Policy DS3 of the Local Plan 2016 states that the Council will take a positive approach in considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions to enable proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area, including increased health, wellbeing and quality of life.

The proposal is to create a freestanding drive-thru McDonald's restaurant outside a defined centre or a local centre. The restaurant including drive-thru are one of the main town centre uses as per the revised NPPF and the Coventry Local Plan 2016. The relevant policy in this case is R4 (Out of Centre Proposals). Policy R4 of the Coventry Local Plan 2016 states that proposals for main town centre uses will not be permitted in out-of-centre locations unless they satisfy the Sequential Assessment and the Impact Test (where appropriate). This Policy states that a sequential assessment will be required for all retail and other Main Town Centre use proposals outside a defined centre and should be prepared in accordance with national guidance. This should have regard to the centres hierarchy set out in Policy R3 (The Network of Centres). Where in-centre options

are exhausted, edge of centre locations (within 300m of a centre boundary) that are well connected and accessible to the centres themselves should also be considered in advance of out of centre sites. The NPPF 2019 (paragraph 86 and 87) advises on this stating that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. As per Policy R4, an Impact Test would not be required in this case as the gross floor area of the proposed development is 547m<sup>2</sup>, which falls below the threshold in the policy (1000m<sup>2</sup>).

Where an application fails to satisfy the sequential test, it should be refused in accordance with Policy R4 and the NPPF. The assessment was carried to find a suitable and available site for the proposed development

The applicant has carried out a Sequential Assessment and submitted the findings with this application. As per the policy requirement, the assessment was carried out in neighbouring centres namely Daventry Road District Centre, Acorn Street Local Centre, Quorn Way Local Centre and Willenhall Local Centre. The assessment demonstrated that there are no sequentially preferable sites within these centres to meet the applicant's requirements in a reasonable and justified way. Therefore, the site is justified in principle. In addition, the assessment report concluded that the location of the proposed development is not only sequentially the most appropriate, but also the optimum location for the proposed use. It also provides an opportunity to take advantage of passing traffic and linked trips. The proposed McDonald's is designed to appeal to customers already passing the site. It is predominantly a roadside restaurant. This makes the proposed site an appropriate and sustainable location and therefore the proposal would have no significant adverse effect on any town centre.

Policy R6 of the Coventry Local Plan 2016 requires that restaurants, bars and hot food takeaways should be located within defined centres and will normally be discouraged outside these locations. This is mainly to minimise the environmental and highway issues raised by catering outlets. An SPD has recently been adopted in conjunction with Policy R6 to control hot food takeaways use (use class A5) and its impact on the neighbourhood and on the environment.

As the proposed McDonalds would have drive-thru and takeaway provision, it would be considered as a mixed use with A3 (restaurant) and A5 (hot food takeaway). In this situation, the proposal also needs to comply with the adopted SPD on hot food takeaways. The adopted SPD requires the applicant to demonstrate that the new hot food takeaway meets the following requirements in association with the other relevant local plan policies to make it acceptable:

- Concentration of Hot Food Takeaways
- Proximity to schools
- Litter and Waste Disposal
- Odour Extraction
- Highway Safety
- Opening Times and Crime & Safety

It is considered that the proposal would not be contrary to the above SPD as this is a standalone drive-thru restaurant and takeaway, away from local centres and will not have

any harmful cumulative impacts on the neighbouring centres and surrounding areas. The site would be more than 5 minutes walking distance from the nearby schools therefore accords with the SPD in this respect. The applicant has demonstrated that the proposed development would take necessary and appropriate measures to manage litter and waste which would result from the proposed use – in accordance with McDonald’s corporate aims and objectives. The control of odour and cooking smells will be managed by using appropriate extraction systems and the scheme will support improvements to highways safety (both of which are controlled by associated conditions). The opening hours would also be similar to the existing ASDA opening hours. It is considered that the proposal has taken crime and security matters into consideration in their design. It is considered that the proposal complies with the adopted SPD on hot food takeaways and therefore the proposal is acceptable in principle.

### **Design and character of the area including impact on the adjacent trees and landscape features**

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The proposal is for a freestanding single storey building on the ASDA car park to the north of London Road before its roundabout junction with Humber Road and Allard Way. The modern design building is reflective of McDonald's new commercial format but remain similar in nature to other McDonald's freestanding drive-thru restaurants. It is acknowledged that buildings nearby, fronting London Road are mainly with pitched roof and traditional in design and the proposed building would be with a flat roof and modern in design. The construction materials are mainly aluminium, timber effect cladding and glazed panels to retain corporate image of McDonalds. However, the design, mass and scale of the building would integrate well in the context of the ASDA supermarket as well as within the locality and would not appear incongruous to affect the street scene and character of the area. This is mainly due to the siting and material of the building. The proposed building would be set back from the landscape buffer along London Road which is comprising of a grass verge and a line of mature and protected trees. The landscaped informal green space between London Road and the access road to ASDA (ASDA car park and the proposed restaurant) would remain mostly unaffected. The pallet of materials selected for the building are modern and directly connected to the corporate image of the McDonalds brand. The footprint of the building has been designed to meet operational requirements as a freestanding McDonald's restaurant, both for customers to eat within or outside of the building, or to take away from the premises. The design and layout of the proposal is appropriate in the area. Natural and neutral colours and materials will be used on the building and throughout the scheme to ensure the site integrates easily with the surroundings.

The proposed building has a distinctive glazed customer area which has been orientated to address the main frontage of the site. This allows views into the bright and lively customer area providing and adding to the local urban form with the key active frontage.

The bin store has been located within an enclosed area away from locations where they could be perceived to have an adverse impact on neighbours.

The proposal would not affect the adjacent protected trees and landscape features along London Road. Two additional trees will be planted as part of a soft landscaping scheme. Tree Officer is satisfied with the submitted Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan. Conditions have been imposed to ensure the construction work does not harm the protected trees and two new trees meet certain specification as per the Tree Officer's recommendation.

### **Impact upon neighbouring amenity**

The objections are noted with regard to the potential noise and disturbance, cooking smell, litter and anti-social behaviour which are normally associated with hot food takeaways. Due to the siting of the proposed drive-thru restaurant being away from houses on London Road and the access to the site being directly from the roundabout junction, it is considered that the impact of the proposed restaurant in terms of noise and disturbance and smell of cooking would not be significant to harm the living conditions of the nearby residents. The supporting Noise Impact Assessment includes a number of mitigation tools, such as the "night-time" setting on the Customer Order Displays (CODs); clear signage to communicate to the customers to respect the amenity of the neighbours and regular staff patrols of the car park. The report concludes that the proposal will have no adverse impact to local amenity. The environment protection officers are satisfied with the noise assessment and raise no objection subject to a condition to control deliveries



between 6am to 10pm to ensure nearby residents do not suffer from unacceptable noise and disturbance.

The applicant recognises the potential impact of noise and cooking odours on local amenity. In response to these impacts, the proposal would utilise an air extraction system which incorporates built-in Hi-Catch filters to remove airborne grease at source. The environment protection officers are satisfied with the extraction system and raise no objection subject to a condition to ensure the extraction system has been installed and maintained as per manufacture's instruction.

The submitted documentation demonstrates that the applicant is committed to tackling litter in as many different ways as possible. The supporting statement states that it is a company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in a 100m vicinity of the restaurant.

To combat potential anti-social behaviour, the supporting statement indicates that the restaurant maintains a strict protocol to ensure noise and disturbance is kept to a minimum and shift managers are trained to resolve conflict to ensure they can deal effectively with noise or anti-social behaviour. The Planning Statement indicates a number of security measures which will be in place and incorporated in designing the building to increase the safety and security. West Midlands Police raised concerns on the issues related to hot food takeaways and suggested a number of security measures, however, they have raised no objection to the proposal in this regard.

The proposal would introduce some illuminated fascia signs, in particular the golden 'M' sign and white lettering sign as 'McDonalds' facing London Road elevation. However, these fascia signs are not considered to contribute towards any potential light pollution. The site is on a busy carriageway within a lit zone and a landscaped buffer comprising of mature trees to provide good screening. The nearest residential house on London Road is around 60m from the signs. Therefore, it is considered that the proposal would not be significantly harmful in terms of light pollution to warrant refusal. The Environmental Health Officers have not raised any concerns in this regard.

The proposed hours of operation are from 6am to midnight which is complementary to the hours of operation for the ASDA supermarket. ASDA supermarket is open from 7am to 11pm and its petrol filling station is open 24 hours. Given the proposed development is within the boundary of an existing supermarket, away from the residential amenities with access from a main carriageway, it is considered the proposed restaurant including drive-thru provision would not harm nearby residential amenity or living conditions.

### **Highway considerations**

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The site is located in the southern most part of the existing ASDA supermarket car park with vehicular access from the London Road Roundabout. The London Road Roundabout is a five-arm roundabout comprising of London Road, Allard Way, London Road, Humber Road and the ASDA access road. The roundabout is partially signalised with traffic signals located on the London Road approach to the roundabout and on the internal circulation between London Road and Humber Road. Current traffic signals are primarily aimed at controlling traffic flow as opposed to promoting the ease of pedestrians crossing. There are two points of pedestrian access into ASDA; one is the main pedestrian access from London Road some 220m west, nearer to its junction with Riverside Close and the other pedestrian access is a rather sub-standard, informal crossing point, closer to the roundabout junction. There are traffic lights on the eastbound London Road but there is no provision to cross the west bound side of London Road. However, the site and surroundings have good provisions of footpath and cycle routes in addition to bus stops.

The proposed McDonalds on the ASDA car park would result in net loss of 79 parking spaces. This would reduce the existing total number of ASDA car parking spaces from 477 to 398 spaces. This remaining 398 spaces includes 30 parking spaces for McDonald's customers including two disabled spaces and two for drive-thru. Whilst this is below the maximum provision identified by Appendix 5 of the Local Plan, McDonald's customers would also share the main car park with ASDA if required. The applicant provided a survey of the ASDA car park which demonstrates that even with the loss of parking and the McDonald's, the car park would be only 55% occupied during the Saturday peak with 178 spaces available. The number of spaces would also exceed the level of parking provision otherwise expected for the ASDA store by the standards identified in Appendix 5 of the Local Plan. Therefore, it is considered that the loss of parking would not affect the existing parking provisions for ASDA customers and there will be sufficient parking available for both uses in accordance with Local Plan policy.

A Transport Assessment (TA) has been submitted to demonstrate the impact of the proposed McDonalds on the roundabout junction and on the nearby highways network. The Highways Authority agreed with most of the TA but found that the network and junction capacity assessment was unreasonable and the assessment methodology inconclusive. The Highway Authority considered that the likely impact of development would have a detrimental impact on the operation of the roundabout junction and potentially knock-on implications for the wider network without adequate mitigation measures. The Highway Authority recognises that the proposed development would likely generate demand for access by pedestrians originating from the Whitley residential area to the south of London Road and this would raise a safety concern as the existing crossing facility adjacent to the south-east corner of the site. This is currently considered

to be inadequate and would require upgrading to full signal control to facilitate safe access to / from the site for pedestrians. The Highway Authority suggested that the applicant improve and upgrade the existing informal crossing to become signal controlled to facilitate safe access to / from the site for pedestrians.

Following negotiation with the applicant, additional information has been provided regarding the modelling of the signals on the roundabout and the impact of the proposed pedestrians crossing on the westbound London Road exit. The Highways Officers are satisfied with the mitigation measures and consider that the impact of the additional McDonalds traffic would not be severe and therefore raise no objection to the proposed development subject to the necessary contribution to deliver the proposed pedestrian crossing on London Road, upgrades to the existing pedestrian crossing on the eastbound London Road approach to the roundabout and vehicle queue detectors on the roundabout signals and the ASDA entry.

The pedestrian routes to the new restaurant are acceptable to the Highway Authority. Officers also consider that the service area and revised delivery arrangement would not result in significant impact on the existing parking provision and free flow of traffic. The delivery vehicles will access the restaurant via the ASDA Access Road and utilise a new loading bay on the ASDA Access Road. There would be droppable bollards on the loading bay to prevent it being misused for parking.

There would be 8 cycle parking spaces for staff and customers located close to the restaurant entrance. The site is well connected and within a highly sustainable location with good provision for walking and cycling in addition to bus stops adjacent to the site. The proposal therefore accords with Policy AC2 and AC3 of the CLP 2016 for new developments.

### **Developer Contributions**

Policy IM1 'Developer Contributions for Infrastructure' states that development will be expected to provide, or contribute towards provision of: a) Measures to directly mitigate its impact and make it acceptable in planning terms; and b) Physical, social and green infrastructure to support the needs associated with the development.

The development would trigger the need for the contributions to deliver a safe pedestrian crossing on London Road, upgrades to the existing pedestrian crossing on the eastbound London Road approach to the roundabout and vehicle queue detectors on the roundabout signals and the ASDA entry to improve the traffic management and control the traffic flow. The developer has agreed to the requested contributions which would be secured under a Section 106 Legal Agreement.

### **Other issues**

#### **Health and Wellbeing**

Policy R6 emphasises the importance of the population's health and wellbeing given particular attention to hot food takeaways. The prime objective is to reduce health inequalities of Coventry's population. This Policy recognises that one of the challenges the Council faces in promoting healthy eating is the availability of foods high in fat, salt and sugar in local neighbourhoods, including the prevalence of hot food takeaways in some areas. In light of this, a Supplementary Planning Document (SPD) has recently been adopted. One of the guiding principles of the SPD is that "Hot food takeaway

applications will not be approved if the hot food takeaway falls within a 5-minute walk from the gate(s) of any primary or secondary school (including any Special School, Sixth Form College and Academy), within or outside Local Education Authority Control". It is considered that restricting hot food takeaways near to schools in particular is one way of promoting healthier eating habits, for children, parents, carers and staff as well as surrounding residents by limiting exposure to such facilities.

The application site is around 10-minute walk from the nearest schools, Whitley Abbey Primary and Whitley Abbey Secondary School. This is in accordance with the adopted SPD on Hot Food Takeaways and relevant Local Plan Policy R6. Public Health officers have not therefore raised any objection to the proposal, and it would not be reasonable to refuse this application on health and wellbeing grounds.

### **Land Contamination and Air Quality**

Environmental Protection (EP) are satisfied with the proposal but recommended a pre-commencement condition requiring submission of detailed Unexploded Ordnance Risk Assessment prior to any intrusive work as per the site investigation report. Officers are also satisfied with the site investigation report in relation to contamination and recommended a condition to place a clean cover system across landscaping areas to provide a suitable planting medium. They also recommended a condition to submit mitigation measures in the case of any contamination or unusual ground conditions are encountered during the development. Officers have also suggested mitigation measures to offset the environmental impact of the development including air quality, in particular, with a condition recommended to minimise the impact of the development on local air quality by requiring any new gas boilers to meet a dry NO<sub>x</sub> emission rate of <40mg/kWh. In addition, a condition requiring provision of electric vehicle re-charging within the development would be reasonable to minimise impact on air quality. The applicant has provided a Construction Environmental Management Plan (CEMP) to demonstrate how construction activity will be undertaken within specific times and how dust emissions will be controlled and monitored to prevent any adverse impact such as noise and disturbance from construction work upon neighbours. Officers are satisfied with the proposed extraction system and odour control which would protect the neighbouring occupiers from unpleasant smell and odour from cooking. The EP found the submitted noise assessment is satisfactory and recommended a condition to control delivery between 6am and 10pm (08:00-20:00 on Sundays and BH) in order to minimise impact on the neighbouring occupiers from noise and disturbance.

### **Flood Risk**

The application site is at low risk of flooding from all sources, however Flood Risk and Drainage Engineers indicated that there is a culverted watercourse passing through the site which should be accurately mapped to show its precise size, depth and location in relation to the application site. The Flood Risk and Drainage Engineers recommended conditions to ensure the development does not increase flood risk within the site or off site and to ensure an adequate means of foul drainage.

### **Ecology and Tree**

The application is accompanied with an Arboricultural Method Statement, tree survey and tree protection plan. Twenty trees on and adjacent the site were inspected, and due to their siting and position, the proposed development is unlikely to have any detrimental impact on these trees. None of the trees on and adjacent the site would require to be removed for the development. However, it appears that a group of small vegetation and

a semi-mature tree were removed from the car parking area prior to submission of this application. To compensate this loss, the applicant has agreed to plant two additional trees within the site as part of the landscape plan. The Tree Officer and the Ecologist are satisfied with the proposal and raise no objection subject to appropriate conditions to ensure safeguarding of the nearby trees and incorporation of two additional trees. It is considered that two additional new trees within the site would promote biodiversity and improve the landscape features.

### **Economic Benefit**

The supporting statement indicates that the proposed McDonald's would employ local contractors to maintain and manage both hard and soft landscaped areas on a regular basis. In addition, the proposed restaurant is expected to employ more than 65 full and part time staff, primarily from the local area. McDonald's has an apprenticeship scheme and offers opportunities to its employees to undertake training and development including the opportunity to gain nationally recognised qualifications in hospitality, literacy and numeracy. Upon successful completion of training and relevant education the candidate can progress to Business Manager or Operations Consultant. It is considered that the proposed restaurant would contribute positively towards the economic growth of the area by creating job opportunities.

### **Equality Implications**

The access door on the front elevation of the building will be level with the forecourt/car parking area. The supporting statement confirms that the principle entrance is an automated sliding door via a wind lobby to provide a convenient access for all pedestrians and disabled persons. The dining area is designed to best meet the aims and objectives of the Equality Act by providing a varied level of service to suit the widest possible range of needs. Circulation routes are provided throughout the seating area to promote access for all, including wheelchair users.

### **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety, ecology or trees, subject to relevant conditions and contributions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, DS3, R4, R6, AC2, AC3, AC4, GE1, GE2, GE3, GE4, JE7 of the Coventry Local Plan 2016, together with the aims of the NPPF.

### **CONDITIONS:/REASON**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

**Reason:** *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 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 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.

**Reason:** *For the avoidance of doubt and in the interests of proper planning*

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.

**Reason:** *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

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.

**Reason:** *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

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 LPA for approval in writing prior to commencement of the operation of the restaurant.

**Reason:** *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

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.

**Reason:** *The agreement of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents and in the interests of*

*highway safety during the construction process in accordance with Policies EM7, AC1 and AC2 of the Coventry Local Plan 2016.*

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 be restricted to between 06:00 and 22:00 (08:00-20:00 on Sundays and BH) and shall adopt the good practice measures contained within section 7.9 of the noise report for the operation of the restaurant.

**Reason:** *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

8. Any gas boilers installed on site shall have a dry NOx 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.

**Reason:** *To mitigate the impacts of development on air quality in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and the objectives of the NPPF.*

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.

**Reason:** *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

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. The trees 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 (excluding hard surfaces). Selection should be prioritised from local provenance and in compliance with current biosecurity guidelines. The trees shall be maintained in strict accordance with the approved schedule of maintenance. If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes; in the opinion of the Local Planning Authority; seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s).

**Reason:** *In the interests of the visual amenities and natural environment of the area in*

*accordance with Policies GE3, GE4, EM1 and DS3 of the Coventry Local Plan 2016.*

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 details 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).

**Reason:** *To protect those trees which are of significant amenity value to the Conservation Area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE3, GE4 and HE2 of the Coventry Local Plan 2016.*

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.

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE1 and DE1 of the Coventry Local Plan 2016.*

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. On the basis that this site is of limited area and percolation techniques have been demonstrated to be inappropriate, surface water discharge off site will need to be of 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 must be provided 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. Provide evidence of existing groundwater levels and seasonal variation, in order to inform the drainage design.
- v. The development must be considered for the implementation of 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. The development shall not be occupied until such time as a scheme to install trapped gullies serving the vehicular car access and parking facilities, together with a periodic maintenance plan, has been submitted to, and approved by, the Local Planning Authority.
- 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 in any way.

**Reason:** *To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with policies EM1, EM4 and EM5 of the Coventry Local Plan 2016 and Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'*