



**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.

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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.

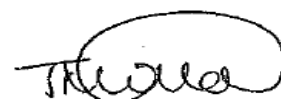
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy DE1: Ensuring High Quality Design
Policy DS3: Sustainable Development Policy
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
Policy 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

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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.

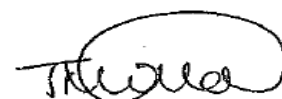
- **APPEAL RIGHTS**

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

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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.

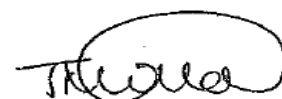
In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused by the Secretary of State on appeal or on a referral of the application to the Secretary of State. The circumstances in which such compensation is payable are set out in Section 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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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.

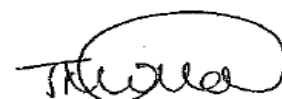
Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block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