

Extended Delegated Decisions Meeting: 07 August 2020

Application No: [W 19 / 1473](#)

Town/Parish Council: Warwick

Case Officer:

Rebecca Compton

01926 456544 rebecca.compton@warwickdc.gov.uk

Registration Date: 29/08/19

Expiry Date: 24/10/19

Former Harvester Restaurant, Stratford Road, Warwick, CV34 6TW

Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building. FOR McDonald's Restaurants Ltd

This application is being presented to the Head of Development Services in consultation with the Chair of Planning Committee due to objections from the Town Council and members of the public having been received.

RECOMMENDATION

For planning permission to be granted subject to conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

Change of use of building from restaurant (use class A3) to mixed-use restaurant (use class A3) and hot food takeaway (use class A5) with alterations to site layout and elevations, reconfiguration of car parking, landscaping and associated works. Installation of drive-thru lane with 2No. COD (Customer Order Display) with associated canopies, playframe and goal post. Erection of new extensions following the partial demolition of existing building.

THE SITE AND ITS LOCATION

The application site relates to a disused former restaurant building previously occupied by 'Harvester' which ceased trading at this site in April 2019. The site is situated next to a hotel and both benefit from large car parking areas. The site is adjacent to the M40 junction 15 and is accessed off Stratford Road, the access drive is also shared by Longbridge Manor, a Listed Building.

PLANNING HISTORY

None relevant.

Associated applications currently under consideration

W/19/1492 - Display of 4 no. internally illuminated fascia signs.

W/19/1494 - Display of various site signage including 4 no. freestanding digital signs, 1 no. non-illuminated banner unit, 1 no. digital booth screen, 1 no. illuminated play land sign and 38 no. non-illuminated dot signs.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets
- TC2 - Directing Retail Development
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object due to impact on highway.

Highways England: No objection.

WCC Highways: No objection subject to white lining scheme to be implemented prior to occupation.

WCC Ecology: No objection subject to conditions requiring further bat survey and works to commence outside of nesting bird season.

WCC Landscape: No objection but recommend changes to screens for visual benefits.

WDC Environmental Health: No objection subject to conditions.

Tree officer: No objection subject to development to proceed in accordance with mitigation measures set out in the tree report.

Cllr Jonathan Holland: Objects.

Cllr James Hawkesford: Objects.

Cllr John Murphy: Objects.

Cllr Martin Neale: Objects.

Cllr Anna Mace-Leska: Objects.

Cllr Victoria Hunt: Objects.

Cllr Liam Bartlett: Objects.

Councillors object on the following grounds:

- Impact on traffic and the M40
- Would create an unofficial service station
- Negative impact on neighbours
- Increase in litter
- Signage not appropriate in this location
- Pollution from additional traffic
- Dangerous for other highway users

Public response:

100 letters of objection have been received on the following grounds:

- Impact on character of the area
- Increase in traffic in already busy area
- Impact on M40 junction 15
- Litter
- Noise
- Odour
- Pollution
- Pedestrian safety
- The need for a further McDonalds
- Impact on health, obesity

8 letters of support have been received on the following grounds:

- McDonalds offer healthy choices so will not cause obesity
- McDonalds are a reputable company
- Much needed facility

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- principle of the development: retail policy and the impact on the vitality and viability of town centres;
- highway safety and parking;
- the impact on the character and appearance of the area;
- the impact on the living conditions of nearby dwellings;
- ecological impact;
- waste management;
- health and wellbeing;
- other matters

Principle of the Development: retail policy and the impact on the vitality and viability of town centres

Local Plan Policy TC2 states that within the town centres, new retail development (defined as Use Classes A1, A2, A3, A4 and A5) should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.

The lawful use of the site is a restaurant A3. The proposal seeks to convert the existing building and would not create any additional retail floor area. Essentially the proposal replaces one form of retail use (A3) with a mix of that and another form of retail use (A5). The proposal does include the provision of a drive thru however this is not a facility that can be readily provided within the town centre. The drive-thru needs to be in a convenient location for existing drivers on the highway network.

Therefore, as the lawful use of the site is A3 and the proposal is for a mixed use A3 restaurant and A5 takeaway with a drive thru, the principle of development is acceptable and would not create additional retail floor space outside of the town centre.

The proposal complies with Local Plan Policy TC2.

Highway safety and parking

In accordance with the adopted Parking Standards SPD the development is required to provide 52 parking spaces and 7 cycle spaces. The development will provide 84 parking spaces which includes 2 accessible spaces and 4 EV spaces. An additional 3 reserved parking spaces for drive-thru customers are also proposed. The proposal will provided 8 cycle spaces. The provision of parking and cycle spaces is in excess of the requirements set out in the adopted Parking Standards SPD.

The application site has a single access point off Stratford Road in the form of a ghost island priority T-junction. The site is located next to the Holiday Inn hotel which also benefits from its own car park. The access to the site also serves Longbridge Manor which is in a commercial use.

The Highways Authority and Highways England had originally objected to the proposed development based on a lack of information in order to assess the application, namely: traffic surveys; development trip generation; development traffic behaviour; impact on the Strategic Road Network (SRN).

One of the significant potential concerns regarding the proposed development was the impact on traffic along Stratford Road and the M40 junction 15. To establish whether the additional vehicle trips and movements into/out of the site access will have a detrimental impact on the operation and capacity of the local highway network and the strategic road network, various assessments have been undertaken. Local and regional traffic data has been input into the Trip End

Model Presentation Program (TEMPro) to estimate traffic growth and determine the impact on the highway network. Traffic surveys have also been undertaken of existing McDonalds sites across the country to determine traffic behaviour associated with the use. The data provided suggests that peak times associated with the proposed use would be outside the typical peak times for the adjacent roads and junctions.

There have been ongoing discussions between the transport consultants representing the applicant and the Highways Authority and Highways England to address concerns raised about impacts on the local highway network and the strategic road network. The requested additional information has been submitted and has been assessed by both the Highways Authority and Highways England. The Highways Authority consider the impact on the access junction into the site to be acceptable, subject to a new white lining scheme which will be secured via condition. Highways England have reviewed information put forward regarding traffic growth and trip generation and are satisfied that this would not be detrimental to the M40 junction 15.

The Highways Authority did initially have concerns about access to the site for cyclists and pedestrians. The applicant has confirmed that National Cycle Route 41 runs the length of Stratford Road and diverts south before the application site providing access over the M40 and linking up to the A429. Furthermore, there are existing pedestrian routes and pedestrian crossings along Stratford Road. As a result, the Highways Authority are satisfied that the existing infrastructure is sufficient for the proposed use.

Subject to the provision of a new white lining scheme to the entrance of the site, the proposal is considered to provide adequate access and parking arrangements and will not be detrimental to the Highway Network. The development is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Impact on the character and appearance of the area

There have been objections from members of the public and local Councillors on grounds that the proposal would have a detrimental impact on the character of the area.

The application site as existing consists of a restaurant building and car park, there is an adjacent hotel and car park in the immediate context. The proposal seeks to convert the existing restaurant building and will involve alterations, extensions and partial demolition of the existing building. The proposed design is considered acceptable and the overall bulk and mass of the existing building will be reduced as a result of the proposed design. Additional features associated with the proposed use include a goal post height restrictor, canopies and ordering screens to the drive thru. These structures will be set well within the site and will be read in the context of a family restaurant. The drive thru is positioned to the side and rear of the building and so views of this will be from within the site with limited views from Stratford Road. The proposal also includes a children's play area to the front of the building which is considered appropriate in the context of a family restaurant.

The building as existing is not a prominent feature in the street scene due to it being set in from the main site access and due to the high level of screening that is positioned between the site and Stratford Road and the high boundary wall positioned either side of the site access. The site also sits at a lower level to the section of Stratford Road and the M40 positioned immediately to the north and west of the site boundary.

Objectors have raised concerns regarding the cumulative impact of the proposal structures and signage. Whilst the individual signage applications will be assessed separately, officers do not consider that the cumulative impact of the signage and structures associated with the use would be harmful to the character of the area. The drive thru has been positioned to the rear of the building so views of this will be limited. Structures and signage associated with the use are set well within the site. Furthermore, due to the position of the site in relation to Stratford Road, any views of the signage and structures will be at a distance and will not be incongruous in the street scene.

The alterations to the existing building are considered of an acceptable design. Furthermore, the associated structures have been positioned sensitively within the site to limit any potential visual impact. Therefore the proposal is not considered to have a harmful impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Officers also note that the site has been vacant since April 2019 and so the proposal will bring a disused site back into use which will be an enhancement of the site.

It has also been concluded that the proposals would not harm the setting of the Listed Building at Longbridge Manor.

Impact on the living conditions of nearby dwellings

There have been objections from local Councillors and members of the public on grounds that the proposal fails to comply with Local Plan Policy BE3, in that the proposed lighting and noise disturbance will be harmful to neighbouring residential properties. Local residents have concerns regarding the potential impacts from odours and the impact on air quality from additional traffic entering the site and engines idling.

An Air Quality Impact Assessment has been submitted to determine any impacts arising from traffic associated with the proposed use. The assessment concludes that the development will have a negligible impact on NO2 concentrations and would have a negligible impact on nearby residential uses. Environmental Health are satisfied with this assessment and have requested that a Travel Plan be secured via condition in which the applicant will need to demonstrate how they will encourage more sustainable modes of transport. The proposal will also provide 4 rapid charging electric vehicle points to accord with the adopted Air Quality SPD.

Environmental Health Officers have requested details of the kitchen extraction equipment to be submitted for approval which is to be secured via condition. Environmental Health are satisfied that subject to conditions requiring the air quality mitigation measures to be implemented, plant noise to be limited, and

suitable kitchen extraction equipment to be installed to mitigate odours, that the development will have an acceptable impact on neighbouring properties.

The closest neighbouring properties would be over 110 metres from the proposed restaurant and over 60m from the car park, the site was last in use as a family restaurant and the proposed use is also as a family restaurant, The drive thru is located behind the existing building and is located over 110m from the nearest residential property.

Therefore, in view of the distance away from the nearest residential property, together with the fact that the site is located next to a busy main road and the fact that the site has previously been in use as a family restaurant, it is not considered that the proposals would give rise to any significant issues in terms of amenity, noise, odour or disturbance for neighbours or in terms of the visual impact of the proposals. The development is considered to be in accordance with Local Plan Policy BE3.

Ecological Impact

WCC Ecology have commented on the proposal and have no concerns from an ecological perspective subject to a condition requiring the development to take place outside of the nesting bird season or for a nesting bird survey to be submitted, which will be secured via condition. The development is in accordance with Local Plan Policy NE2.

Waste Management

There have been a number of objections to the proposed development on grounds of the potential for increased littering.

As the drive-thru restaurant would be a commercial site, the Local Authority has no control over the waste storage and collection arrangements, or litter prevention for the site. The owner of the site will be required to make their own waste collection arrangements.

It should be noted that the applicant has provided information on how the site will control litter with daily litter patrols, typically 3 times per day, within a 100m radius of the site. Refuse bins are provided around the site and signage advising against littering is also displayed within the site.

Health and Wellbeing

Objectors consider that the proposed development would have a detrimental impact on health, encouraging poor eating choices and obesity which is contrary to local and national health objectives. Supporters state that the proposal will not encourage poor eating behaviours as this is the choice of the individual, and that McDonald's has healthy eating options. Objectors also contest the need for another McDonalds restaurant in Warwick.

It is not considered in planning terms that a restaurant / take-away would lead to such a significant impact on health and wellbeing which would warrant reason for refusal of the application. Moreover, there are no policies in the adopted Local Plan

which prevent new restaurants or takeaways on this basis nor are there any policies that limit the number of restaurants/takeaways in a particular area.

Other matters

There have been other objections to the proposal on the following grounds:

- increase in rodents,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- proximity to local schools,

Supporters of the proposal state that:

- the proposal is much needed,
- the proposal will provide employment opportunities.

The above matters are either not material planning considerations, or do not carry material weight to alter the conclusions that have been reached above.

CONCLUSION

It is considered that the proposals would not cause unacceptable harm to the living conditions of neighbouring dwellings or to the character and appearance of the area. Furthermore, it is considered that the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety and impact on the town centre. Therefore, the proposed development should be approved subject to the proposed conditions.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 7792-SA-8052-P106B (GF+FF), E11-003 (PLAYFRAME), HWAR 8366 M1002A (ROOF LAYOUT), Patio area specifications, Goal post and Canopy specifications - sign type 8 and sign type 28, 16459-VL-MCD-LO1A, 16459-VL-MCD-LO2A, 7792-SA-8052-P105C, 7792 SA 8052 P102F, 7792 SA 8052 P104K, and specification contained therein, submitted on 29th August 2019, 12th February 2020 and 06th May 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development (including any demolition) shall commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan

including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 4 Equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be occupied until the white lining scheme has been completed in accordance with the details shown on submitted drawing AMA/50009/SK07 and specification contained therein, submitted on 30th January 2020. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 6 The landscaping plan shall be completed within three months of the first occupation of the development hereby permitted in full accordance with the details as shown on approved drawings 16459-VL-MCD_L01A, 16459-VL-MCD_L02A and specification contained therein submitted on 12th February 2020. All planting shall be carried out in accordance with the approved details in 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 the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 7 Within six months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations)

approved shall continue to be implemented at all times thereafter.

REASON: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 8 Within 6 months of the occupation of the development hereby permitted, four 50kW rapid electric vehicle recharging points shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Photographs showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 9 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall either:
1. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 2. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist.
- REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 11 The development shall proceed in full accordance with the mitigation measures set out in the Tree Survey, Arboricultural Assessment, Arboricultural Method Statement & Tree Protection Plan produced by Hayden's Arboricultural Consultants submitted on 29th August 2019.
REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
-