

**Planning Committee:** 11 December 2018

**Item Number: 5**

**Application No:** [W/18/1489](#)

**Town/Parish Council:** Warwick

**Case Officer:** Helena Obremski

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**Registration Date:** 03/08/18

**Expiry Date:** 28/09/18

**Tesco Supermarket, Emscote Road, Warwick**

Erection of a detached two storey restaurant with car parking, landscaping and associated works; Installation of 2no. customer order displays with associated canopies. FOR McDonald's Restaurants Ltd

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This application is being presented to Committee due to the number of objections received and an objection from the Town Council.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report and subject to the signing of a satisfactory Section 106 agreement within 3 months of the date of the meeting.

**DETAILS OF THE DEVELOPMENT**

The application seeks planning permission for the erection of a two storey, detached drive-through restaurant, car parking, landscaping and associated works. The application also seeks planning permission for the installation of two Customer Order Displays with associated canopies.

**THE SITE AND ITS LOCATION**

The application site is located within the car park of an existing Tesco supermarket, situated off the Emscote Road located in the urban area of Warwick. The surrounding uses include residential properties, a canal to the north and river to the south.

**PLANNING HISTORY**

There are various previous permissions relating to the site, however, only the following is considered to be relevant:

W/94/0993 - Retail development (supermarket Class A1 and A3) and a petrol filling station together with approval to the means of access - allowed at appeal

W/17/2263 - proposed erection of a freestanding two storey restaurant with car parking, landscaping and associated works. Installation of 2 Customer Order Displays with associated canopies - withdrawn

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- 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)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

## **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection on the following grounds:

- insufficient parking,
- the road junction cannot cope with additional capacity,
- impact on pedestrian and cyclist safety,
- flood risk assessment is required,
- impact on air quality,
- support of comments made by Councillor Edgington.

**Councillor Holland:** Objection on the following grounds:

- the development is contrary to the Council's Sustainable Development Travel Plan,
- traffic volume along Emscote Road is already too high,
- the existing junction serving Tesco is inadequate and requires a re-design.

**Councillor Edgington:** Objection on the following grounds:

- the proposal fails to meet the requirements of Local Plan Policy BE1 - lack of inter connectivity, designing out crime, adequate cycling and walking routes, providing a safe and attractive environment,
- the proposal fails to comply with Local Plan Policy BE3 - proposed lighting and noise disturbance will be harmful to neighbouring residential properties,
- the proposal fails to comply with Local Plan Policies TR1, TR2 and TR3 - the proposal undermines highway safety and would have a harmful impact on pedestrians and cyclists, the development would have a detrimental impact on air quality, lack of parking.

**Councillor Bolton:** Objection on the following grounds:

- the proposal fails to meet the requirements of Local Plan Policy BE1 - lack of inter connectivity, designing out crime, adequate cycling and walking routes, providing a safe and attractive environment,
- the proposal fails to comply with Local Plan Policy BE3 - proposed lighting and noise disturbance will be harmful to neighbouring residential properties,
- the proposal fails to comply with Local Plan Policies TR1, TR2 and TR3 - the proposal undermines highway safety and would have a harmful impact on pedestrians and cyclists, the development would have a detrimental impact on air quality, lack of parking.

**Councillor D'Arcy:** Objection on the following grounds:

- the proposal will add to existing congestion and impact air quality,
- the sewers will struggle to cope with the additional demands,
- increase in rodents,
- increase in litter,
- increase in noise disturbance,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- impact on ecology.

**WCC Highways:** No objection, subject to conditions.

**WCC Local Lead Flood Authority:** No objection, subject to conditions.

**WCC Landscape:** Objection, the proposed landscaping is wholly inadequate.

**WCC Ecology:** No objection.

**Inland Waterways:** Objection on the following grounds:

- the restaurant is an unnecessary addition,
- highway safety and traffic,
- anti-social behaviour,
- litter,
- pollution,
- drainage, sewage disposal and flood defence have not been properly considered.

**Canal and River Trust:** No objection.

**Environmental Protection:** No objection, subject to conditions.

**Warwickshire Fire and Rescue Service:** No objection, subject to condition.

**Designing Out Crime Officer (Warwickshire Police):** No objection, request that the development is built in accordance with the principles of Secured By Design.

**Public Responses:** 261 Objections have been received on the following grounds:

- increase in litter and the proposed litter plan will not work,
- increased traffic and impact on existing junction which cannot cope,
- increase in pollution,

- inadequate access arrangements,
- detrimental impact on health, encouraging poor eating choices and obesity which is contrary to local and national health objectives,
- proximity to local schools,
- highway and pedestrian safety concerns,
- anti-social behaviour,
- impact on local residents amenity (noise, odours, light)
- increased numbers of vermin,
- impact on wildlife,
- McDonald's does not have good animal welfare standards,
- proposal will have a detrimental impact on local businesses and the economy,
- reference to original planning permission for Tesco which did not allow further extensions,
- there are no environmental benefits offered such as green roofs or SUDS,
- the development will de-value surrounding properties,
- detrimental impact on the character of the area,
- impact on the nearby canal,
- impact on drainage,
- the applicant uses a large amount of plastic packaging,
- the jobs provided would be low-paid and zero-hour contracts,
- the documents provided in support of the application are generic and not site specific,
- the proposal will encourage gypsies, travellers and the homeless,
- the restaurant would reduce the means of escape from Tesco, considerably adding to the risk of fire,
- the Transport Statement provided is mis-leading,
- the application, its notice and public consultation has been done in a secretive manner,
- lack of detail in reference to sequential test.

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

- an additional McDonald's will ease congestion around the restaurant at Queensway,
- the proposal will not generate a significant amount of traffic,
- there are adequate parking and access arrangements,
- the development will not have a harmful impact on the character of the area,
- there will be public benefits such as the provision of jobs for the local community with career progression opportunities, which will have financial benefits to the economy,
- the proposal offers people choice and diversity,
- the proposal will attract people to the area,
- the area already has a litter problem, which could be improved as a result of the proposed development,
- the proposal will not encourage anti-social behaviour or poor eating habits as this is the choice of the individual,
- there is already noise and light pollution from Tesco which won't be exacerbated as a result of the proposal,
- there is demand for the proposed restaurant as demonstrated by queues at the other McDonald's restaurants,
- the proposal will reduce levels of pollution as residents of Warwick will not have to travel so far to get to McDonald's,

- McDonald's has healthy eating options,
- the proposal could attract other 'big-name' businesses to the area which could bring benefits to the economy.

1 neutral comment has been received:

- no objection in principle, would prefer an alternative restaurant choice as there is already a McDonald's within the area.

**Emscote Gardens Residents Association:** Objection on the following grounds:

- insufficient information in relation to flooding provided,
- the FRA does not take into account the impact on the area downstream from Emscote
- Gardens estate,
- errors in the 2018 FRA which does not take into account the impact on flood defences.

**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;
- flood risk;
- 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 policy states that where edge of centre or out of centre sites are considered, evidence of the impact on the town centre will be required where the proposal is above 500 sq. m. The proposal is for a unit of 560sqm.

Established case law in *Tesco Stores Limited V Dundee City Council, March 2014* indicates that the suitability of alternative sites considered in the context of a sequential assessment should be directed at the nature of the development that is being proposed. The sequential test is whether a site is capable of accommodating the needs of a proposed use.

The business model characteristic of the proposed drive-thru with on-site car park means it 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.

A sequential test has been carried out by the applicant, which provides details to show that a range of other sites in Warwick were considered, but have been discounted. The potential alternative sites were not considered appropriate as they are either insufficient with regard to availability, overall size/site dimensions or they do not have the necessary relationship with a busy road in order that enough trade to support the development will be forthcoming. It is considered that the alternative site investigation submitted has been conducted appropriately, and that there are no alternative sites within the District at present which would be suitable for this nature of development.

As the proposed development is greater than 500sqm in total floorspace, the agent was asked to prepare a Retail Impact Assessment. However, there is no accepted methodology for the assessment of the impact of a restaurant with drive-thru on town centre cafes and takeaways - because of the nature of the development they are generally not located within the town centres and there is no evidence to suggest that they would be in direct competition with the town centre cafes.

The agent states that:

*"The majority of people making trips into Warwick Town Centre will be making trips for a variety of reasons, rather than specifically to visit a takeaway/café in isolation. As such these trips will still take place, the proposed McDonald's will not impact upon joint trips to the town centre.*

*The proposed drive-thru restaurant provides the opportunity for customers to sit in or take away, thus it is not considered possible to carry out a quantitative assessment. A drive-thru restaurant requires particular market and locational requirements, which facilitates a large proportion of joint trips from passing trade, rather than becoming a destination in its own right.*

*The drive-thru would attract mainly vehicle-borne passing trade from customers making linked trips to Tesco and those already using Emscote Road. If the drive-thru was not in place, as at present, this vehicle-borne trade would be unlikely to come into Warwick Town Centre specifically to visit a restaurant/takeaway unless it was already part of their trip. As such, the drive-thru is unlikely to attract trade from the town centre, rather it will instead draw its trade from the existing road network and Tesco customers.*

*Given the above, it is not considered that the proposal would have a detrimental impact upon any committed planned public or private investment in Warwick. The proposal would in fact provide additional consumer choice to Warwick. If someone did want to specifically visit a McDonald's Restaurant the proposal would negate the need to travel to Royal Leamington Spa and would keep people within the wider Warwick catchment. As detailed throughout the sequential test, there are no sequentially preferable sites and the proposal cannot be disaggregate."*

The above statement is supported by the details provided in the Transport Assessment submitted with the application, which indicates that at peak times, a maximum of 19% of people would drive to, park and eat within the restaurant. The vast majority of consumers are those who would use the drive-thru service and eat the products off-site, being between 55 - 62% during the peak periods.

Given that no other suitable sites are available, and the unique business model for the proposed drive-thru, the principle of development is considered to be acceptable. From the information provided, it is considered likely that the restaurant would be used by passing trade and would not represent a destination in its own right which is likely to compete with other town centre uses. The development is therefore unlikely to have a harmful impact on the vitality and viability of the town centre and is considered to be in accordance with Local Plan Policy TC2.

Concern has been raised by members of the public that the proposal will have a detrimental impact on local businesses and the economy. However, supporters of the proposal state that the proposed development could bring economic benefits such as employment opportunities and inward investment. Concern has also been raised regarding the level of detail contained within the sequential test. Officers are satisfied that sufficient information has been submitted to conclude that the proposal will not harm the vitality and viability of the town centre.

#### Highway safety and parking

There have been objections from the Town Council, local Councillors and members of the public on grounds that there is insufficient parking for the proposed development and the existing Tesco; the road junction cannot cope with additional capacity and needs redesigning; there would be a detrimental impact on pedestrian, vehicular and cyclist safety; the development is contrary Council's Sustainable Development Travel Plan and the Transport Statement provided is misleading.

Supporters of the development, however, contend that the proposed development would not generate a significant amount of additional traffic; an additional McDonald's will ease congestion around the restaurant at Queensway; and there are adequate parking and access arrangements.

The application site is accessed from Emscote Road via a signalised T-junction and is currently occupied by car parking spaces associated with the existing Tesco supermarket. A total of 535 car parking spaces are provided for the Tesco supermarket, which comprise 488 standard spaces, 26 disabled spaces, and 21 parent and child spaces. A 'Click & Collect' service is also available at the Tesco supermarket. The internal access road which would serve the proposed McDonald's restaurant currently provides access to the rear of the Tesco Supermarket and is utilised by large delivery/collection vehicles.

The development proposals would result in the loss of 88 car parking spaces associated with the Tesco supermarket, which would comprise of 77 standard spaces, 8 disabled spaces, and 3 parent and child spaces. A car parking area would be provided for the proposed McDonald's restaurant, which would

accommodate 33 customer parking spaces, and 2 reserved parking spaces for drive-thru customers that are awaiting the delivery of a large or unusual order.

The Highways Authority had originally objected to the proposed development based on a lack of information in order to assess the application, namely: up-to-date collision data; surveys of trip details to nearby McDonald's restaurants; full assessment of generation of traffic to the site; tracking details of large vehicles; and a Road Safety Audit.

One of the significant concerns regarding the proposed development is the impact on Emscote Road and notably the junction into the application site. To establish whether the additional vehicle trips and movements into/out of the Tesco superstore site access will have a detrimental impact on the operation and capacity of the local highway network, a LinSig assessment has been carried out by the applicant. LinSig is a computer software package for the assessment and design of traffic signal junctions either individually or as a network comprised of a number of junctions. Traffic engineers are able to construct a model of the junction or network which can then be used to assess different designs and methods of operation. The Highways Authority requested a copy of the LinSig model to assess the inputs and outputs used for the model.

Concern also focuses on the loss of parking for Tesco. Parking surveys have been provided by the applicant and the Highways Authority note that the surveys show that the car parking within Tesco can accommodate the proposed loss of parking. However, the Highways Authority noted that the proposed parking layout for the restaurant did not meet the required standards and requested that it was amended.

The Highways Authority had concerns that the location of the proposed access points will require vehicles, cyclists and pedestrians to travel along the existing service road that currently serves large delivery/collection vehicles. This could create conflict between vehicles/cyclists/pedestrians visiting the proposed McDonald's restaurant and HGV's delivering to the Tesco supermarket.

There have been ongoing discussions between the transport consultants representing the applicant and the Highways Authority since their initial letter of objection outlining the above concerns. The requested additional information has been submitted and has been assessed by the Highways Authority. The impact on the access junction into Tesco is considered to be acceptable, subject to the provision of £60,000 towards improvements. This can be secured through a Section 106 legal agreement which is being drafted.

The proposed internal pedestrian, cycle and vehicle movements within the Tesco site have been negotiated between the Highways Authority and the transport consultant. The Highways Authority have stated that their Traffic and Road Safety Team have assessed the amended details in reference to the pedestrian crossing and confirmed that they consider the principle of the proposed crossing within the site as acceptable. Owing to the time constraints of the application, they have recommended that a pre-commencement condition is imposed which requires a scheme to improve the crossing to be submitted and approved in writing. However, if these details can be agreed before the committee meeting, this condition will be amended accordingly.



The Highways Authority also recommend other conditions, which require the agreed improvement works to the existing central splinter island and mini-roundabout, a condition to require that the development is carried out in accordance with the details contained within the Delivery and Servicing Management Plan and a condition requiring the provision of a construction management plan prior to commencement of works on site. The Highways Authority has therefore removed its objection, subject to the inclusion of the recommended conditions.

Subject to the provision of a suitable Section 106 agreement, the proposal is considered to provide adequate access and parking arrangements. 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 fails to meet the requirements of Local Plan Policy BE1 in relation to a lack of interconnectivity, designing out crime, and providing a safe and attractive environment. Members of the public consider that the development would have a detrimental impact on the character of the area.

Supporters of the proposal state that the development will not have a harmful impact on the character of the area.

The proposed location of the restaurant is set in the context of a car park, with a large supermarket positioned to the rear of the site. There is also a petrol station and electricity sub-station within the wider site context, and canal to the north of the site, which is separated from the site by the existing service road. The site is also set down from Emscote Road and views of the application site are well-screened owing to the established vegetation alongside the canal.

The proposed restaurant would be two storey, with a simple and relatively modern design. The use of a mixed palette of materials such as timber cladding, dark grey bricks and stone tiles adds visual interest to the building and samples of materials can be secured by condition to ensure a high quality of design. In the site context and against the backdrop of the large supermarket, the proposed design is considered to be acceptable. The proposed development is unlikely to impact the street scene owing to the limited views from public vantage points. However, as stated, the development is considered to be of an acceptable design in this location.

Concern has been raised in relation to the impact of the proposed development on the nearby canal. There are proposals to include the canal in a new Conservation Area. However, presently, this has limited material weight. The Conservation Officer has raised concerns regarding the proposed development and impact on the setting of the canal. However, whilst these concerns are noted, the existing context of the site also must be appreciated - the existing site is a car park in the setting of a large scale commercial building; the proposal is for a modest building, of simple design, which would be positioned 45 metres from the canal. It should be noted that the Canal and River Trust have no objection to the proposal. The proposed development is not considered to have

such a harmful impact on the setting of the canal which would warrant reason for refusal of the application.

Objectors consider that the proposed development will not create a safe and attractive environment and concern has been expressed that the proposal will generate increased levels of anti-social behaviour. However, supporters state that the development will not encourage anti-social behaviour as this is the choice of the individual. Warwickshire Police have been consulted and they have no objection to the proposal, subject to the development being constructed in accordance with the principles of Secured By Design. The construction methods are a matter which would be dealt with by Building Control, however, an informative note for the applicant will be added in relation to this matter.

It is therefore considered that there would be no material planning reason to refuse the application on the grounds of design or the impact on the character and appearance of the area. The proposal is therefore considered to be in accordance with Local Plan policy BE1.

Reference has been made by objectors to the fact that the original planning permission for Tesco does not allow further extensions. However, this has been checked by Officers and no such condition was imposed by the Planning Inspectorate who allowed the development at appeal.

#### 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 idling engines running.

Supporters of the proposal note that there is already noise and light pollution from Tesco which won't be exacerbated as a result of the development. Supporters also consider that the proposal will reduce levels of pollution as residents of Warwick will not have to travel as far to get to McDonald's.

Environmental Health Officers initially submitted an objection to the development because they required further information in order to be able to assess the impact of the proposed development, namely: details of air quality mitigation measures and details on potential noise levels of the proposed development including from cars.

This information has been provided by the applicant and Environmental Health Officers are satisfied that subject to conditions requiring that the air quality mitigation measures are implemented, plant noise is limited, noise and odours from kitchen extraction equipment are suppressed, and in the event that contamination is found that details are provided to the Local Authority, that the development will have an acceptable impact on neighbouring properties.

The closest neighbouring properties would be over 90 metres from the proposed restaurant, and therefore it is not considered that the proposed building would cause material harm to light, privacy or outlook.

Therefore, in view of these separation distances and in the context of the busy commercial nature of this locality, it is not considered that the proposals would give rise to any significant issues in terms of amenity, noise, odour and 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.

### Flood Risk

There have been concerns raised in reference to the impact of the proposed development on flood risk. The Town Council state that a flood risk assessment is required. Members of the public consider that drainage and local flood defences have not been fully considered. The Emscote Gardens Residents Association have submitted a detailed letter of objection which states that insufficient information in relation to flooding has been provided, that the FRA does not take into account the impact on the area downstream from Emscote Gardens estate, and that there are errors in the 2018 Flood Risk Assessment which does not take into account the impact on flood defences.

A Flood Risk Assessment has been provided as part of the application and WCC Local Lead Flood Authority and the Environment Agency have been consulted regarding the proposals. WCC LLFA have made a detailed assessment of the information submitted and have no objection to the proposed development, subject to a condition requiring that no development shall take place until a detailed surface water drainage scheme for the site is submitted, based on the details contained within the flood risk assessment. They also request a condition requiring details of a maintenance plan in relation to surface waster drainage.

No response has been received from the Environment Agency, however, the EA are not a statutory consultee for development of this nature and were consulted as pre-cautionary measure. Therefore, no response is required.

The development is therefore considered to provide adequate drainage details and is not considered to have a detrimental impact on flood risk. The development is considered to be in accordance with Local Plan policies FW1 and FW2.

### Ecological Impact

There have been objections to the proposed development on grounds of a detrimental impact on ecology. However, WCC Ecology have commented on the proposal and have no concerns from an ecological perspective. The proposed restaurant would be located on an existing area of hardstanding where no wildlife, trees or vegetation will be impacted. It is considered that the proposed development is unlikely to cause harm to protected species and that 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 and that the proposed litter plan will not be effective. Supporters consider that the area already has a litter problem, which could be improved as a result of the proposed development.

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 a Litter Management Plan as part of the proposals. This details that the site would have litter patrols, typically 3 times per day, which would identify where litter is being left / building up, and would generate a Litter Patrol Plan to identify the route and frequency of the patrols, which should be reviewed every 6 months.

## 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.

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 take ways on this basis.

## Other matters

Warwickshire Fire and Rescue have commented on the application and have requested a condition requiring the applicant to provide details of water supplies and fire hydrants. This is considered to be reasonable and is included in the list of conditions at the end of the report.

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

- the sewers will struggle to cope with the additional demands,
- increase in rodents,
- there are two McDonald's nearby so the proposed restaurant is not needed,
- proximity to local schools,
- McDonald's does not have good animal welfare standards,
- there are no environmental benefits offered such as green roofs or SUDS,
- the development will de-value surrounding properties,
- the applicant uses a large amount of plastic packaging,
- the jobs provided would be low-paid and zero-hour contracts,
- the documents provided in support of the application are generic and not site specific,
- the proposal will encourage gypsies, travellers and the homeless,

- the restaurant would reduce the means of escape from Tesco, considerably adding to the risk of fire.

Supporters of the proposal state that:

- the proposal offers people choice and diversity,
- there is demand for the proposed restaurant as demonstrated by queues at the other McDonald's restaurants.

The above matters are either dealt with by Building Regulations and/or are not material planning considerations, so do not form part of the assessment of this application.

Members of the public have stated that the application, its notice and public consultation has been done in a secretive manner. However, the Council has notified all of the neighbours which adjoin the site and also notified all members of the public who commented on the previous application, which was more than is statutorily required. A site notice was also displayed on the pedestrian crossing at the entrance to the site, which was considered to be the most conspicuous place to locate the notice, where there would be the most footfall in and out of the site.

## **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 this is an appropriate location for a drive-thru restaurant and that the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety, flood risk and impact on the town centre. Therefore, the proposed development should be approved.

## **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 drawings 7159-SA-8469-P005 A, 7159-SA-8469-P006 A, COD DT Canopy, McD / 043 /2013 A, MCD / SCH / 1001, and documents "Terrace Equipment", "Fast Electric Charging Points", "Pod Point Datasheets", "Pod Point Installation Guide" and "GPK Kiosks and Enclosures", submitted on 3rd August 2018, drawings Condenser Plans and Elevations, 10551 R5, A1-11667-01 submitted on 7th September 2018, and drawings 7159-SA-8469-P002 E, 7159-SA-8469-P007 E, 7159-SA-8469-P004 G submitted on 21st November 2018 and specification contained therein. **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 The development hereby permitted shall not commence unless and until a detailed surface water drainage scheme for the site, based on the approved FRA *McDonald's Warwick (NB8469)\_Glanville\_Issue 2\_August 2018* sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and brought into use. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with policies FW1, NE2 and BE3 of Warwick District Local Plan 2011 - 2029.
- 4 The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not be brought into use unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interests of fire safety.
- 6 The development hereby permitted shall not be brought into use unless and until a detailed maintenance plan giving details on how surface water systems shall be maintained and managed for the life time of the development has been submitted to and approved in writing by the LPA. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. The plan shall be implemented and adhered to thereafter. **REASON:** To ensure the future maintenance of the sustainable drainage structures in the interest of policy FW2 of Warwick District Local Plan 2011 - 2029.
- 7 The development hereby permitted shall not be brought into use unless and until a scheme for the upgrade and improvement of the existing pedestrian crossing on the service road has been submitted to and

agreed in writing by the LPA (in association with the Highways Authority) and installed in accordance with the approved details.

**REASON:** In the interests of pedestrian and highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 8 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 9 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 the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not be brought into use unless and until the approved low emission strategy, Ref 400/4766, dated 15th October 2018, Planware, has been fully implemented. Thereafter it shall be maintained as such. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 11 Noise arising from the any plant or equipment hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). 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 the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified 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 strategy must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **REASON:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 13 The development hereby permitted shall not be brought into use unless and until improvements to the existing central splitter island have been carried out in general accordance with drawing number 3117-SK-15, submitted on 26th November 2018 and to the specification of the Local Highway Authority. **REASON:** In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
  - 14 The development site shall only be serviced in accordance with the Delivery and Servicing Management Plan, November 2018, prepared by ADL Traffic & Highways Engineering Ltd. **REASON:** In the interests of traffic and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
  - 15 The development hereby permitted shall not be brought into use unless and until improvements to the existing mini-roundabout have been carried out in accordance with drawing number 3117-SK-22A. **REASON:** In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.
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