

**Planning Committee:** 16 July 2024

**Item Number:** 5

**Application No:** [W 22 / 1972](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Adam Walker

**Registration Date:** 13/01/23  
**Expiry Date:** 10/03/23

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**Land at Marriott Hotel, Stratford Road, Longbridge, Warwick, CV34 6TW**

Erection of a drive-thru coffee shop (Use Class E) with parking, electric vehicle charging hub and associated works FOR Dallas Holdings

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

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the delegation of authority to Officers to secure appropriate arrangements to deliver a no net loss of biodiversity and subject to the imposition of the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The application seeks full planning permission for the erection of a drive thru coffee shop (Use Class E) with parking, electric vehicle recharging hub and associated works.

The proposal would use the existing point of access from Stratford Road that serves the hotel and The Peacocks. A new access road would be created within the hotel grounds to access the coffee shop and the scheme also includes new footpaths to link the development with the hotel and the adjacent public highway.

The coffee shop is broadly rectangular in shape with a rear compound to accommodate the refuse area. The building would provide a sales area, customer seating area and W.C., back of house area for the preparation of food and serving the drive-thru along with staff facilities. Outside the coffee shop is the drive-thru lane wrapping around the rear of the building plus parking for 12 vehicles (including two disabled bays), two motorcycle parking spaces, 8 electric vehicle (EV) charging bays and 2 waiting bays (associated with the drive thru). To support the EV charging, a substation and LV panel are proposed. A delivery bay is accommodated to the east of the drive-thru lane. Fixed picnic bench style seating is proposed to one side of the coffee shop and new landscaping is proposed around the building and drive thru lane.

It is proposed to face the building in a mixture of composite metal cladding and timber effect composite cladding, with full height aluminium glazed curtain walling.

The proposed operating hours are 0600 to 2300.

## **THE SITE AND ITS LOCATION**

The application site forms part of the grounds of the Marriott Hotel on Stratford Road, Warwick.

The site is part of a landscaped area adjacent to a car park in front of the hotel. The site predominately comprises a lawned area containing a small number of trees. This area is formed into a low mound that rises up gently away from the car park and slopes down again towards the boundary with Stratford Road, where there is a line of trees and other vegetation.

The hotel site is located next to Junction 15 of the M40 and the Warwick Bypass. The hotel is accessed from Stratford Road and this access is shared with The Peacocks - a private cul-de-sac of around 20 houses that lies to the eastern side of the hotel. To the south, on the opposite side of Stratford Road, is a Holiday Inn Express, McDonald's and some office development.

## **RELEVANT PLANNING HISTORY**

There is a relatively extensive planning history associated with the hotel, none of which is considered relevant to the assessment of this application. The following application relates to the hotel and is currently under consideration by Officers:

W/24/0717 - Installation of 12no. electric vehicle charging points, sub-station, LV panel, including associated works and lighting - Yet to be determined

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS4 - Spatial Strategy
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- TC2 - Directing Retail Development
- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- TR1 - Access and Choice
- TR3 - Parking
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

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

1. Support the comments of WCC Landscape in terms of the application lacking details on the proposed changes in levels, how excavated material would be dealt with, the extent of tree removals / pruning works that would be required to facilitate the development, and the lack of mitigation planting. The proposed development contravenes Chapter 12 of the NPPF and Local Plan Policy NE4.
2. Support the comments of WCC Ecology in terms of more evidence being requested regarding the impacts of the application on the biodiversity of the site and required mitigation measures to be made.
3. Support the comments of WDC Environmental Health in terms of more information and assessment required of noise impacts, waste collection hours, noise limits and construction management.
4. Negative impact on the neighbours' amenity in terms of noise and highway safety.
5. Comments required from WCC Highways.
6. No evidence that a town centre location has been explored.

**WDC Arboricultural Officer:** No objection. Two high quality Willow trees will need to be removed to facilitate the proposal along with four low quality trees (three Alder and a third Willow). However, the surrounding woodland vegetation would not be affected and will continue to screen the site from view by from passing motorists. The applicant's Tree Report concludes that the losses are relatively few, and acceptable in the context of the overall site, and that there is adequate space for mitigation planting if necessary. A draft Tree Protection Plan has been provided which indicates an alignment for tree protection measures, but no detail has been offered as to what they might be and to what specification they may be required. Although the arboricultural constraints are relatively minor and it is unlikely that lasting harm would befall the retained trees if the proposal was built out as shown, a site-specific Arboricultural Method Statement should be submitted. If this is submitted prior to determination, then the tree protection measures can be a compliance condition.

**WDC Environmental Health:** No objection, subject to conditions to control the hours of operation (6am to 11pm), restrictions on delivery/waste collection times, the implementation of signage regarding the use of the outdoor seating area after 7pm and the use of the EV charging, limits on plant noise and a Construction Management Plan.

**WDC Planning Policy:** The proposal aims to predominantly serve passing trade from the M40 corridor. It would be hard to argue that there are any other town centre or sequentially preferential sites available to accommodate such a use. Furthermore, the amount of trade diversion from Warwick Town Centre is likely to be negligible given the nature and business model of this particular proposal (a coffee shop with associated drive thru intended to serve passing trade). The proposal is also below the required floorspace level to trigger the requirement for a Retail Impact Assessment as required by Policy TC2. The submitted retail impact/sequential basis of the applicant's proposal is accepted.

**Lead Local Flood Authority:** No objection, subject to conditions requiring a detailed surface water drainage scheme for the development and maintenance arrangements for this infrastructure.

**Local Highway Authority:** No objection, subject to conditions requiring a Construction Management Plan, the detailed design of the vehicular and pedestrian accesses to the site from the public highway and the provision of the proposed on-site parking for customers and facilities for delivery vehicles.

**National Highways:** No objection.

**WCC Ecology:** An updated Biodiversity Net Gain (BNG) metric is required to show the new tree planting proposed within the land within the ownership of the applicant and to clarify how existing trees within this area are being recorded. It is likely that there will be an overall BNG loss, which will need to be addressed.

**WCC Landscape:** No objection. The revised Planting Plan largely addresses the previous queries raised. The condition recommended by the LLFA would provide further detail on the edging and construction of the bio-retention planters and other hard surfacing. A condition is also considered necessary requiring a detailed hard and soft landscaping plan and a management plan to help ensure the bio-retention planters are effective.

**Ward Councillors:**

- Councillor John Holland objects on grounds that traffic on the A429 is already excessive at this junction.
- Councillor Daniel Brown objects due to concerns over increased traffic and congestion in an already often congested area, which in turn causes increased pollution that is harmful to people and wildlife.

**Public Response:** A total of 13 letters of objection have been received from 10 different objectors. A summary of the comments made is provided as follows:

- Lack of consideration for the adjacent properties on The Peacocks, which is accessed from the A429 Stratford Road via the shared entrance with the hotel. The submitted plans do not show The Peacocks residential area and as a result give a false impression of the scale of the various potential impacts of this proposal. It should be noted that The Peacocks is a private road and starts at the gated entrance to the residential area and not at the junction with the highway. The closest residential properties are only approximately 40 metres from the development.
- The Transport Study is flawed; The number of movements is understated, not least because the hotel has not yet recovered its occupancy rates to pre-covid levels and was conducted in November rather than in summer. Also question the age of some of the data that has been used and the conclusions reached.
- The access onto and from the A429 is often problematic, especially during rush hours, for cars turning right out of the hotel/Peacocks residential area, and cars turning right into the hotel/Peacocks. The A429 has a middle turning lane for these purposes, however it can only accommodate 2 cars. More cars tuning

right could cause a blockage and potential grid lock on the A429. Cars turning right into the McDonald's site will add to the potential for blockage.

- If the additional vehicles generated by the development are unable to pull out onto the A429 as the queue is at standstill, cars will soon start to form a queue exiting the coffee shop. This may well mean the entrance out of the Peacocks Road will become blocked.
- The proximity of the bus stop presents a hazard. When a bus is parked it impairs the view of drivers turning left from the entrance and means pulling out into the filter lane to have a clear view of the road.
- If the coffee shop site becomes "full", there is no provision on the tight site for vehicles to abandon their attempted visit and exit, further adding to possible congestion.
- Increased car and large commercial/delivery vehicle movements to the area adjacent to the Peacocks residential estate.
- Currently three kinds of traffic have to negotiate an area just inside the site, namely residents, hotel customers and service vehicles. To add other categories of user will create dangerous situations in a congested area only metres from a main arterial route, the A429. Also, the provision of EVC points could attract additional vehicles not even using the coffee outlet.
- It is stated that the outlet is not intended for HGV usage but there is no guarantee that large vehicles will not enter the proposed site.
- An increase in traffic levels from the development will exacerbate existing congestion issues and cause unnecessary delay to residents. Question how traffic will be managed.
- Any additional traffic entering or leaving The Peacocks will have a detrimental impact on both highway safety and emergency vehicles, contrary to Policy TR1 of the Local Plan. Amendments to the junctions/priorities on The Peacocks/A429 and A429/Longbridge Island junctions would be required prior to any development.
- The proposed footpath link to the existing bus stop from the site appears to show a crossing point near the entrance. This is a safety hazard; pedestrians could be at risk from vehicles leaving the Peacocks and traffic moving to and from the hotel and current service area. Very often cars are parked here in spite of the No Parking sign.
- The access road is used by hotel staff/visitors walking to and from the bus stops either side of the A429. This is potentially dangerous so a Road Safety Audit should certainly be considered.
- Inadequate walkways exist and vehicles often turn into the Peacocks / Marriott access road at speed.

- There are a number of mature trees, of varying ages and quality, that will be lost if this application is approved. Those same trees currently add significantly to the landscape and will continue to do so for some time. Removal of trees will harm the character of the area and the approach into Warwick. These trees also help reduce road noise and pollution.
- The new access road, with additional hardstanding, will require the removal of some mature trees which provide a green gateway into Warwick, enhance the present landscape and offset some traffic noise. Also concerned that additional trees/shrubs which provide screening from the A429 will be removed from this area where the proposed footpath link is.
- Increased noise from noise from vehicle movements and additional equipment/air conditioning units.
- Increased light pollution.
- Increased volumes of customer and delivery vehicles will adversely affect air quality, including through vehicles idling while they queue.
- Litter will undoubtedly also become a problem as demonstrated by increased levels of rubbish emanating from the Mc Donald's site. Litter will attract vermin to the area.
- Loss of green space - the proposal encroaches on one of the few remaining green spaces in the area where people walk and walk pets.
- Loss of habitat - How will the impact on wildlife be compensated?
- New tree planting cannot compensate for removal of healthy mature trees.
- Question the need for another coffee outlet in this location. Refreshments can currently be purchased at the Marriott Hotel, McDonalds, the Holiday Inn and at Starbucks nearby on the A46 and there are also other drive thru coffee shops within a short distance.
- With the McDonald's opposite and now this drive through coffee shop it is creating a "Longbridge Services" by stealth. The infrastructure needs to be in place that can support the "Services".
- There is already a great deal of under-utilised car parking at the Marriott site. This existing space could easily be developed to promote EV charging in this area.
- Conflicting use of post codes throughout the application.

## **ASSESSMENT**

### Principle of development

The proposal is for a coffee shop with drive thru along with associated parking and an electric vehicle (EV) charging hub.

The proposed development is located within the grounds of a hotel that lies just off Junction 15 of the M40. There is another hotel and a McDonald's restaurant close to the site on the opposite side of Stratford Road. Supporting information states that the coffee shop would offer a complementary facility to the existing hotels and fast food outlet whilst also serving the needs of motorists and those working in the local area.

The application site lies outside of the defined Urban Area Boundary on the Local Plan Policies Map. This is the case for all the existing development immediately surrounding the site, which includes the Marriott hotel, the residential development at The Peacocks and Earls Meadow as well as the neighbouring Holiday Inn hotel, McDonald's and Forever Living Products offices. Therefore, while the site is outside of the Urban Area Boundary, it is nevertheless part of an established urban environment on the edge of the defined Urban Area. As such, it is not considered that the development would conflict with the Council's spatial strategy for focusing growth under Policy DS4.

The proposal comprises a main town centre use. The NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. 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.

Policy TC2 of the Local Plan seeks to direct new retail development towards retail areas defined in the Policies Map (restaurants and cafes are included as retail development under this policy). Policy TC2 also takes a sequential approach, requiring that locations are considered in the following order:

- A) sites and buildings within the defined retail areas of the town centres;
- B) then sites on the edge of the retail areas;
- C) then out-of-centre sites.

Where sites on the edge of the retail areas are considered, preference will be given within each category to accessible sites that are well connected with the retail area. Evidence of the impact on the retail area will be required where the proposal is above 500 sq. m gross floorspace.

The application site is within an out of centre location. For the purposes of the sequential test, the applicant has sought to justify the proposed location on a business model and site-specific basis. The development is primarily intended to serve road users on the M40 and local road network as well as the existing hotel.

As such, it would not be appropriate to locate the development elsewhere because it would not meet the intended catchment for the coffee shop or the recognised need.

Officers acknowledge that the proposal aims to predominantly serve passing trade associated with the M40 corridor and, having regard to the particular characteristics of the applicant's business model, there are not considered to be any town centre or other sequentially preferential sites that would be available to accommodate the proposed use. On this basis the principle of the development in this location is accepted. While officers recognise that there would also be some trade associated with the adjacent hotel, this is not considered to carry any weight from a sequential test perspective because there is no particular need for a stand-alone coffee shop to serve the established hotel.

The scale of the proposed development falls well below the threshold for requiring a Retail Impact Assessment. The amount of trade diversion from Warwick Town Centre is however likely to be negligible given the nature and business model of the proposal.

Having regard to all of the above, the general principle of the development is considered acceptable. This is subject to the impacts of the development as discussed within the remainder of this report.

#### Impact on the character and appearance of the area

The NPPF places significant weight on ensuring good design, which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Policy NE4 of the Local Plan requires new development to positively contribute to landscape character.

The application site forms part of the landscaped grounds of a hotel. The site lies to the front of the hotel adjacent to an area of parking and forms an area of maintained grassland that contains a small number of trees. This area is formed into a low earth mound that slopes up gently from the adjacent car park and then falls away towards the boundary with Stratford Road. There is quite substantial tree planting just beyond the site's southern boundary where there is an embankment separating the hotel grounds from Stratford Road. There is also significant tree coverage towards the west where the hotel grounds abut the Warwick Bypass.



The character of the wider area is heavily influenced by the adjacent road network, including the Longbridge Island which sits at a higher level to the hotel site. There is a mixture of commercial and residential development within the vicinity. A hotel, McDonald's restaurant and some offices exist towards the south and two separate pockets of residential development lie to the east. The closest of these pockets of residential development is known as The Peacocks and forms a secluded group of 20 houses that share an access with the hotel. Trees and other substantial vegetation to the roadside boundaries are a characteristic feature of the area.

The existing ground would be levelled to accommodate the proposed development so that it is on a comparable level to the adjacent car park and hotel. The coffee shop would be broadly rectangular in shape with a flat roof and the drive thru element would generally enclose the building. A planting scheme has been designed to the peripheries of the building and drive thru as well as to an area next to the proposed substation. Some new tree planting is also proposed within the adjacent hotel grounds.

The development would be set down in comparison to Stratford Road and would be contained by the adjacent highway embankment and well screened by the existing tree belts to the roadsides. It is evident that these trees are generally deciduous and so the effectiveness of the screening would vary across the year, although even when not in leaf the trees would still filter views of the development. The development would also be viewed within the context of the established hotel and perceived as a feature of the hotel complex, with the proposed soft landscaping scheme helping to soften the appearance of the development and embed it within the hotel grounds. The development would also be seen within the context of the nearby Holiday Inn and McDonald's site. For these reasons, Officers do not consider that the development would result in any significant harm to the character and appearance of the area.

The coffee shop building has a simple built form, but the proposed material palette provides variation and visual interest and the overall design is typical of the nature of the development. A condition requiring samples of the proposed facing materials is considered necessary to ensure a high-quality finish.

The proposed EV charging infrastructure is relatively low level and would not be out of keeping with the hotel site.

The County Landscape team have recommended that a condition be imposed requiring a detailed hard and soft landscaping scheme. This is considered reasonable and necessary in the interests of visual amenity.

In summary it is considered that the proposal complies with the above referenced policies and guidance.

#### Residential amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The NPPF states that planning decisions should create places that provide a high standard of amenity for existing and future users. Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes through mitigating noise and light pollution.

The nearest residential properties are a short distance from the site at The Peacocks, and the proposal would share its point of access from Stratford Road with these neighbouring properties.

It was originally proposed that the coffee shop would operate 24 hours, however the proposed opening hours have subsequently been amended from 6am to 11pm. The applicant has also confirmed that the outdoor seating area would only be used up until 7pm and signage would be installed to advise customers not to use this area after this time. Signage is also proposed in relation to the EV charging hub to remind customers to keep noise to a minimum and respect neighbouring occupiers.

The Council's Environmental Health team have been consulted on the application. The proposed opening hours (as amended) are considered acceptable. Given the site's location, noise associated with the use of the premises is likely to be mitigated by the surrounding road traffic noise at those times. It is recommended that these hours are controlled by condition. A condition to restrict the times of deliveries and waste collections is also recommended (no such activities before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays).

The Environmental Health team also recommend that the proposed signage relating to the use of the outdoor seating area and EV hub is secured by condition. A condition imposing limits on noise from plant is also recommended.

Officers consider that these conditions are sufficient to acceptably mitigate the potential adverse noise impacts resulting from the development.

Objectors have raised concerns with light pollution. No details of external lighting have been provided, although the separation distance to The Peacocks is likely to mitigate any potential for adverse impacts. Nevertheless, a condition can be imposed to secure details of any external lighting to ensure no unacceptable light spill occurs.

Objectors have also raised concerns with the impact on air quality. The application is supported by an Air Quality Mitigation Statement and Transport Statement. The Transport Statement states that the proposed development would generate additional traffic but the traffic impact of the proposed development would be negligible, as the majority of the trips generated would already be passing by the site on Stratford Road or would take a slight diversion off the Longbridge Island roundabout. The scheme also seeks to promote walking as an alternative to the private car as a mode of travel to/from the site, for example by improving walking connectivity between the development and the public highway where there is also a bus stop.

The proposal includes mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies through the provision of eight electric vehicle charging points.

The Environmental Health team have not identified the impact on air quality as a particular concern and the proposed mitigation measures are considered to be appropriate for the scale of development proposed.

#### Highway safety and parking

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety. Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Additional and amended information was submitted during the application process to address comments made by the Local Highway Authority. Further information was submitted in relation to traffic generation, the access junction and the internal layout and traffic management within the site.

An updated Transport Statement was submitted which considers coffee shop drive-thru data from Warwickshire County Council. The updated forecast trip generation is 93 trips in the AM peak and 77 trips in the PM peak. The Local Highway Authority is in agreement with this.

To address road safety concerns the access junction has been modified to include "KEEP CLEAR" markings on the westbound carriageway of the A429 (Stratford Road) to allow the increased number of vehicles egressing the site to be able to make the right turn manoeuvre in the traffic flow without blocking the eastbound carriageway and the ghost right turn lane. This has been subject to a Stage 1 Road Safety Audit and the Local Highway Authority considers the proposed access junction arrangements to be acceptable. These works would need to be secured by condition.

The Local Highway Authority (LHA) raised concerns in respect of HGVs accessing the development and being unable to turn such that they will leave and re-enter the public highway in a forward gear. To address this concern the LHA recommended that advance signage be provided on the A429 Stratford Road to advise HGV drivers that the proposed development site is not suitable for large vehicles. The applicant considers that such signage is unnecessary and has emphasised that the site will not be signed for HGV drivers on the strategic road network and no facilities are proposed for HGV drivers. Moreover the nature of the development would make it obvious to HGV drivers that it is not suitable for large vehicles. The applicant has also stated that such signage would not be considered

to be good practice and would result in excessive street clutter. The LHA has accepted that advance signage on the A429 is not necessary to make the development acceptable in highway safety terms. Officers note as well that a height restriction barrier is proposed for the drive thru.

The proposed parking arrangements are considered acceptable. The layout provides 12 parking spaces, which includes 2 DDA bays. This level of parking is consistent with the Council's Parking Standards SPD for a restaurant/cafe of the size proposed within the application. In addition to this, the layout also provides 8 EV charging bays, motorcycle parking and 2 waiting bays for the drive thru. A separate delivery parking bay is also provided. Vehicle swept paths have been submitted to demonstrate that the parking spaces can be accessed properly. The LHA has recommended that the proposed parking and delivery arrangements are secured by condition. Such a condition is included in the Officer's recommendation. The proposal also includes measures to improve pedestrian connectivity between the development and the remainder of the hotel site and adjacent public footway on Stratford Road. This includes formalising an existing desire line adjacent to the access junction. The desire line crosses an area of landscaping and connects to the adjacent public footway where there is also a bus stop. The proposed footpath lies partially within the hotel grounds (blue land) and partially within highway verge (public highway). The footpath provides a benefit and these works can be secured by condition as part of the overall highway works.

Provision for cycle parking is not indicated on the proposed site layout plan. Cycle parking is considered necessary and a condition is therefore recommended to secure this.

The Local Highway Authority raises no objection to the application, subject to the imposition of the conditions outlined above. On this basis the application is considered acceptable in highway safety terms and accords with Policies TR1 and TR3 of the Local Plan and guidance in the NPPF.

### Trees

It is necessary for a number of trees to be removed to facilitate the proposed development. Two high quality Willow trees and four low quality trees (three Alder and a Willow) would be removed. The LPA's Arboricultural Officer has assessed the application and has not raised any objection to their loss. The Arboricultural Officer has also assessed separately a request from a member of the public to serve a Tree Preservation Order (TPO) on the two high quality Willow trees that are proposed to be removed. However, the Arboricultural Officer did not consider that the trees were of sufficient quality or merit to deserve a Tree Preservation Order and that it would not be expedient or in the interest of public amenity to serve an Order.

While a number of trees would be removed, some substantial new tree planting is proposed as part of the scheme. This includes fifteen trees that would form part of the soft landscaping scheme around the edge of the drive thru and adjacent to the substation. In addition to this, around ten trees are proposed to be provided within the existing landscaped grounds to the western side of the coffee shop.

Officers are satisfied that the new tree planting would compensate for the proposed tree loss and would help to screen the new development.

The Arboricultural Officer has commented that the woodland vegetation along the highway embankment adjacent to the site would be unaffected.

A draft Tree Protection Plan has been provided which indicates an alignment for protection measures for trees within the hotel grounds, but no detail has been provided as to what these measures entail and their specification. While the arboricultural constraints are relatively minor and it is unlikely that lasting harm would befall the retained trees if the proposal was built out as shown, a site-specific Arboricultural Method Statement is considered necessary. This can be secured by condition.

### Ecology

Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly. The NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity.

The County Ecologist raises no objection to the principle of the development. While the application pre-dates the recent introduction of Biodiversity Net Gain legislation and so is not subject to the mandatory requirement of a 10% biodiversity net gain, the development is still required to provide no net loss of biodiversity in line with Policy NE3 and the NPPF.

A Biodiversity Net Gain calculation has been provided in support of the application, however, it is necessary for this to be updated to reflect the most up-to-date version of the proposed planting plan and enable an accurate assessment to be made. An updated calculation is awaited from the applicant. To expedite the determination of the application, it is therefore requested that this matter be delegated to Officers to resolve prior to any planning permission being issued and to include any condition(s) as deemed necessary to secure appropriate measures to deliver a net gain.

### Flood risk and drainage

The site is in Flood Zone 1 on the Environment Agency's Flood Map for Planning and is therefore at low risk of flooding from main river sources.

Details of an overall drainage strategy have been provided with the application. It is proposed that surface water be discharged to a local surface water sewer via a new manhole. Roof, driveway, car parking and footpath areas would be attenuated on-site before discharging into the sewer at a restricted rate. The strategy uses cellular storage tanks and also involves the use of rain gardens as part of the proposed soft landscaping scheme, with new planting being provided within bioretention planters.

The Lead Local Flood Authority raises no objection to the application. The overall drainage strategy is considered acceptable and conditions requiring the detailed

design of the surface water drainage scheme and details of the proposed maintenance arrangements for the drainage infrastructure are recommended.

### Sustainability

As small-scale retail development, the proposal does not meet the criteria for applying the Net Zero Carbon DPD. The development does nevertheless provide an EV charging hub that would offer high powered, fast chargers. Such infrastructure is necessary to help support the uptake of EV vehicles and so in this regard the proposal would deliver a benefit in tackling climate change.

### Other matters

There are no heritage assets within or adjacent to the site that would be affected. There are some listed buildings within the wider vicinity of the site, the closest of which is Longbridge Manor and its associated barn that are on the opposite side of Stratford Road. Given the scale of the proposed development, the separation distance and the presence of intervening built form and landscaping, it is not considered that there would be any harm caused to the setting of these listed buildings.

Supporting information indicates that the development would support up to 2 full time jobs and 18 part time jobs. The employment creation is a benefit of the development that weighs in favour of the scheme.

A condition requiring a Construction Management Plan is recommended in the interests of highway safety and residential amenity.

A number of objections have been received from local residents and objections have also been received from Councillor Holland and Councillor Brown. The main concerns relate to the highway and residential amenity impacts of the development. Following the submission of additional and amended information, including a more robust Transport Statement and measures to mitigate the impact on the free flow of traffic within the site and on Stratford Road, the highway impacts are considered acceptable and there is no objection from the LHA. It is also considered that the potential impacts on residential amenity can be adequately controlled and there is no objection from Environmental Health. As such, Officers do not consider that objections on highway safety or residential amenity could be substantiated.

Of the other matters raised within the objections, these have either been addressed elsewhere in this report or are not material planning considerations.

### **CONCLUSION**

The principle of a drive thru coffee shop that would principally serve passing trade is considered acceptable in this location. The proposal would not be out of keeping with the character of the area and the development can be controlled so as to acceptably mitigate any significant impacts on neighbouring residential occupiers. The scheme provides suitable measures to mitigate the highway impacts of the development and officers are satisfied that drainage and ecology matters can be

addressed through conditions. The application is therefore considered to be in accordance with the Local Plan as a whole and guidance within the NPPF.

The application is therefore recommended for approval, subject to the delegation of authority to officers to secure an appropriate Biodiversity Net Gain and which is dependent on the submission of some updated information from the applicant.

## **CONDITIONS**

### **1** Time limit

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** Approved Plans

The development hereby permitted shall be carried out strictly in accordance with the details shown on the following approved drawings and specification contained therein:

- Drawing number WPS-GEN-087-P-01 Rev B (Block and Location Plans)
- Drawing number PM\_WW\_01\_A (Proposed Site Layout Plan)
- Drawing number WPS-GEN-087-P-05 Rev A (Proposed Site Elevations)
- Drawing number WPS-GEN-087-P-06 Rev A (Proposed Building Plan)
- Drawing number WPS-GEN-087-P-07 Rev A (Proposed Building Elevations)
- Drawing number WPS-GEN-087-P-09 Rev A (Proposed Site Section)
- Drawing number SY23-355-LPP-23-01B (Landscape Planting Plan)
- Drawing number SY23-355-LPP-23-02B (Landscape Planting Plan - whole area)
- Drawing number 5496 01 (Planting Plan)

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1, BE3, NE4 and TR1 of the Warwick District Local Plan 2011-2029.

### **3** Construction Management Plan

The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor parking areas and confirmation that this is sufficient to accommodate

forecast demand and thereby avoid vehicles having to park off site on the highway network

- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage)
- Suitable areas for the unloading and storage of materials off the public highway
- The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that vehicles can enter and leave the site (from and to the public highway) safely and in a forward gear
- The routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies such that large vehicles can turn off the public highway (A429, Stratford Road) into the site without delay and will not have to wait in the public highway carriageway to gain access to the site
- Site working hours and delivery times
- Measures to control the emission of dust during construction
- Noise and vibration mitigation measures

All development works shall be carried out in strict accordance with the approved CMP.

**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.

#### 4 Detailed drainage scheme

No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Foul and Surface Water Drainage Statement (Revision V1, dated 22.08.2023), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 1.1l/s for the development.
2. Provide provision of surface water attenuation storage as stated within the Foul and Surface Water Drainage Statement (Revision V1, dated 22.08.2023) of 166.44m<sup>3</sup> and/or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.



3. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

- The current surface water management scheme utilising bio-retention planters and underground geocellular attenuation may be treated as a minimum, and consideration to the implementation of further above ground SuDS features, such as permeable paving and tree pits may be considered.

4. Demonstrate detailed design (plans, feature cross sections, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Groundwater levels should be confirmed on site to ensure the proposed surface water management scheme utilising underground attenuation is viable.

5. Provide updated evidence to show an agreement from Severn Trent Water to connect to the existing surface water network. A developer enquiry should progress to a S106 agreement at the discharge of conditions stage.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1, SC0 and FW2 of the Warwick District Local Plan 2011-2029.

## 5 Maintenance of drainage infrastructure

Notwithstanding the submitted information, the development hereby permitted shall not be brought into use until a detailed, site specific Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. Such maintenance plan shall:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how each surface water relevant feature shall be maintained and managed for the life time of the development. The Maintenance Plan submitted shall cover all drainage features within the approved drainage scheme.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

The approved maintenance plan shall be implemented throughout the lifetime of the development.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in the interests of flood risk and amenity and to accord with Policies BE1, FW2 and SC0 of the Warwick District Local Plan 2011-2029.

## 6 Tree protection

Notwithstanding the submitted information, a detailed site specific Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved method statement and tree protection plan at all times.

**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.

## 7 Facing materials

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. Details of facing materials shall be provided for the coffee shop building, substation and LV panel. The development shall only be carried out in accordance with the approved details and thereafter retained as such.

**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.

## 8 Highway works

The development shall not be brought into first use until the vehicular and pedestrian accesses to the site from the public highway and the proposed 'KEEP CLEAR' markings on Stratford Road as shown on drawing number PM\_WW\_01, Rev A have been provided, subject to and in accordance with subsequent Highway Authority Technical Approval of the detailed design and a Stage 2 Road Safety Audit. The works shall thereafter be retained as such.

**Reason:** In the interests of highway safety and to enhance the connectivity of the site and accord with Policies TR1 and BE1 of the Warwick District Local Plan 2011-2029.

9 Parking and delivery arrangements

The development hereby permitted shall not be brought into first use until the on-site parking for customers and the facilities for delivery vehicles have been provided in accordance with Drawing Number PM\_WW\_01, Rev A, dated 26th March 2024. The parking and delivery arrangements shall thereafter be retained as such.

**Reason:** In the interests of highway safety and to accord with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029 and the Council's Parking Standards SPD.

10 Hard and soft landscaping

Notwithstanding the submitted details, no development shall commence above floor slab level unless and until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments and all hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details before the development is first brought into use; and 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.

11 Hours of use

The development hereby permitted shall not be open to customers outside the hours of 0600 to 2300.

**Reason:** To ensure that the site is not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

12 Hours of deliveries & waste collection

No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays.

**Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

### 13 Signage

Details of the proposed signage regarding the use of the outdoor seating area after 7pm and the use of the EV charging hub shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The details shall include the size, content (text) and location of the signage. The signage shall be provided before the development is first brought into use and shall thereafter be retained.

**Reason:** To mitigate the potential impact of noise on nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

### 14 Plant noise limits

Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) 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 the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029

### 15 External Lighting

Details of any external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The details shall include a specification of the lighting, location, lux, hours of operation, details of light spillage and details of shielding to neighbouring properties. The details approved shall be implemented prior to the commencement of use of the development hereby permitted and shall thereafter be retained as such for the duration of the permitted use.

**Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

16 Cycle Parking

Details for the provision of cycle parking facilities to serve the development shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The cycle parking facilities so approved shall be provided before the development is first brought into use and thereafter retained as such.

**Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

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