

# Planning Committee

Minutes of the remote meeting held on Wednesday 9 September 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

**Present:** Councillor Boad (Chairman); Councillors Ashford, R. Dickson, Heath, Jacques, Leigh-Hunt, Morris, Murphy, Roberts, Tangri and Weber.

**Also Present:** Committee Services Officer – Mr Edwards; Democratic Services Manager & Deputy Monitoring Officer – Mr Leach (observing only); Legal Advisor – Mr Howarth; Development Services Manager – Mr Fisher; Planning Officer – Ms Compton; and Warwickshire County Council Highways Officer – Mr Pilcher.

## 36. **Apologies and Substitutes**

- (a) There were no apologies made.
- (b) Councillor Roberts substituted for Councillor Kennedy.

## 37. **Declarations of Interest**

There were no declarations of interest.

## 38. **Site Visits**

There were no site visits made.

## 39. **Minutes**

The minutes of the meeting held on 11 August 2020 were taken as read and signed by the Chairman as a correct record.

## 40. **W/19/1473 – Former Harvester Restaurant, Stratford Road, Warwick**

The Committee considered an application from McDonald's Restaurants Ltd for the change of use of a building from a restaurant (use class A3) to a mixed-use restaurant (use class A3) and hot food takeaway (use A5) with alterations to the site layout and elevations, reconfiguration of car parking, landscaping and associated works; the installation of drive-through lane with two Customer Order Displays, with associated canopies, play frame and goal post; and the erection of new extensions following the partial demolition of the existing building.

The application was presented to Committee because of the number of objections that had been received, including one from Warwick Town Council.

The officer was of the opinion 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 was considered that the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety and impact on the town centre. Therefore,

## PLANNING COMMITTEE MINUTES (Continued)

the proposed development was recommended for approval subject to the proposed conditions as set out in the report.

An addendum circulated at the meeting advised that two additional objections had been received, raising concerns about traffic generation, congestion, air quality, noise and litter.

The addendum also advised of additional observations from the planning officer, advising that the proposal sought to retain the existing flood lighting that was positioned within the car park. Additional lighting was proposed throughout the site but would be kept to a minimum. 18 lighting columns were proposed across the site, and the additional lighting was considered appropriate given the nature of the use.

A noise assessment had been submitted with the application to determine the impact on the nearest noise sensitive use, which was the adjacent hotel. The noise assessment set out a number of mitigation measures to limit the impact of noise on the hotel, which included fencing, an acoustic enclosure for the kitchen extraction fan, and restrictions on delivery times. These mitigation measures had been adopted as part of the proposal, and the delivery times were to be controlled by an additional condition. The lighting along the boundary with the hotel would be kept to a minimum to avoid any disturbance to nearby rooms. The mitigation measures, together with a condition restricting delivery times was considered acceptable to reduce any adverse impact on the adjacent hotel in terms of noise and disturbance.

The addendum also stated that the wording of condition 2 was proposed to be revised in order to ensure that the measures proposed by the applicant to deal with litter were undertaken.

The following people addressed the Committee:

- Councillor Holland, objecting;
- Mr Garner, objecting;
- Ms Wright, objecting; and
- Ms Reed-Smith, supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Weber and seconded by Councillor Heath that the application should be granted.

The Committee therefore

**Resolved** that W/19/1473 be **granted** subject to the proposals being revised to increase the number of EV charging points to accord with the relevant SPD and those changes, along with any necessary consequential revisions to the wording of conditions to enable this being agreed by the Head of Development Services in consultation with the Chair, and subject to the following conditions:

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>  |
|------------|---|
| (1)        | the development hereby permitted shall begin no later than three years from the date of this permission. <b>Reason:</b> To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);   |
| (2)        | the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 7792-SA-8052-P106B (GF+FF), E11-003 (PLAYFRAME), HWAR 8366 M1002A (ROOF LAYOUT), Patio area specifications, Goal post and Canopy specifications - sign type 8 and sign type 28, 16459-VL-MCD-LO1A, 16459-VL-MCD-LO2A, 7792-SA-8052-P105C, 7792 SA 8052 P102F, 7792 SA 8052 P104K, and specification contained therein, submitted on 29 August 2019, 12 February 2020 and 6 May 2020 and proposals set out in the Supporting Statement submitted on 29 August 2019 including litter management. <b>Reason:</b> For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; |
| (3)        | no development (including any demolition) shall commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. <b>Reason:</b> To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;  |
| (4)        | equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | 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.<br><b>Reason:</b> To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;  |
| (5)        | the development hereby permitted shall not be occupied until the white lining scheme has been completed in accordance with the details shown on submitted drawing AMA/50009/SK07 and specification contained therein, submitted on 30th January 2020.<br><b>Reason:</b> In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;  |
| (6)        | the landscaping plan shall be completed within three months of the first occupation of the development hereby permitted in full accordance with the details as shown on approved drawings 16459-VL-MCD_L01A, 16459-VL-MCD_L02A and specification contained therein submitted on 12th February 2020. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. <b>Reason:</b> To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029; |
| (7)        | within six months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the  |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter. <b>Reason:</b> In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;   |
| (8)        | within six months of the occupation of the development hereby permitted, four 50kW rapid electric vehicle recharging points shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Photographs showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric vehicle recharging point infrastructure. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). <b>Reason:</b> To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document; |
| (9)        | noise arising from any plant or equipment (measured as LAeq, five minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. <b>Reason:</b> To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;  |
| (10)       | the development hereby permitted shall either:   |

## PLANNING COMMITTEE MINUTES (Continued)

- | <b>No.</b> | <b>Condition</b>   |
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|            | <ol style="list-style-type: none"><li>1. be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds;</li><li>2. not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. <b>Reason:</b> To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;</li></ol> |
| (11)       | the development shall proceed in full accordance with the mitigation measures set out in the Tree Survey, Arboricultural Assessment, Arboricultural Method Statement & Tree Protection Plan produced by Hayden's Arboricultural Consultants submitted on 29th August 2019. <b>Reason:</b> 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; and   |
| (12)       | an additional condition relating to delivery hours.  |

41. **W/19/1492 – Former Harvester Restaurant, Stratford Road, Warwick**

The Committee considered an application from McDonalds Restaurants Ltd for the display of four internally illuminated fascia signs.

The application was presented to Committee because of the number of objections that had been received, including one from Warwick Town Council.

The officer was of the opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed in the report.

## **PLANNING COMMITTEE MINUTES (Continued)**

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Morris that the application should be granted.

The Committee therefore

**Resolved** that W/19/1492 be **granted** subject to the condition that the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) Playland Logo, 7792-SA-8052-P109 C, McDonalds /132/2010 and specification contained therein, submitted on 3 September 2019. **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.

### 42. **W/19/1494 – Former Harvester Restaurant, Stratford Road, Warwick**

The Committee considered an application from McDonalds Ltd for the display of various site signage, including four freestanding digital signs, one non-illuminated banner unit, one digital booth screen, one illuminated play land sign and 38 non-illuminated dot signs.

The application was presented to Committee because of the number of objections that had been received, including one from Warwick Town Council.

The officer was of the opinion that the proposals would not detract from the amenity of the area, and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed in the report.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Morris that the application should be granted.

The Committee therefore

**Resolved** that W/19/1494 be **granted** subject to the condition that the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 7792-SA-8052-P108 C, ERDDS Banner Unit, Double Digital Menu Board, Single Digital Menu Board, Proposed Reconnect Screen Details, Pedestrian Crossing, Parking Order Bay sign, Noise Sign, No Entry Sign, Look Both Ways sign, Litter Sign, Give Way Sign, Look Left Sign, Look Right sign, Look Left Traffic Approaching sign, Look Right Traffic Approaching sign, Accessible Parking Bay

## **PLANNING COMMITTEE MINUTES (Continued)**

sign, 10mph Disc sign, and specification contained therein, submitted on 3 September 2019. **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.

### **43. Planning Appeals Report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

**Resolved** that the report be noted.

(The meeting ended at 7.45pm)

CHAIRMAN  
6 October 2020