

Planware Ltd
The Granary
1st Floor
37 Walnut Tree Lane
Sudbury
Suffolk
Co10 1BD



Email: katie@planware.co.uk

Details of Application

APPLICATION NO: P/13/2471/2
PROPOSAL: Erection of restaurant and other associated works.
LOCATION: Former Warwick Arms, Warwick Way, Loughborough,
Leicestershire, LE11 4UG
APPLICANT McDonalds Restaurant Ltd

Details of Decision Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development described in the submitted documents and on any accompanying plans and drawings.

This permission is granted subject to the following Conditions and Reasons:-

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.
REASON: To make sure that the appearance of the completed development is satisfactory.
3. No trade deliveries or waste collections shall be taken at, or dispatched from the site outside the hours of 0700 and 1900 hours.
REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.
4. No use of the premises shall be carried out other than between 0600 hours and midnight on any day.
REASON: The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.
5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards

only.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

6. The gradient of the proposed vehicular access shall not exceed 1:12 for the first 5 metres behind the highway boundary.

REASON: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

7. The premises shall not be brought into use until such time as all existing vehicular accesses that become redundant as a result of the proposal, have been permanently closed and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to, and approved by, the local planning authority in consultation with the Highway Authority.

REASON: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

8. The premises hereby permitted, shall not be brought into use until such time as the car parking facilities shown within the curtilage of the site have been provided, hard surfaced, marked out and made available for use. Such car parking as provided in accordance with the approved plan shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

9. Before first use of the development hereby permitted the proposed vehicular access drive shown on the submitted plans shall have been constructed and surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

10. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

11. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

12. No use or occupation of the building hereby permitted shall take place until the boundary treatments, including the acoustic fence and as shown on drawing

5014_8806_0004 Rev H condition, have been fully completed.
REASON: To ensure the satisfactory, overall appearance of the completed development; in order to prevent noise nuisance.

The requirements of these conditions must be complied with.

Note:-

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information.

<http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies EV/1, EV/17, EV/20, EV/39, TR/2, TR/6 and TR/8 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the emerging Core Strategy of the Local Development Framework have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
2. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
3. The Local Planning Authority has acted pro-actively through early engagement with the applicant at the pre-application stage. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
4. The applicant is advised that all demolition and construction work should be carried out in such a manner as to minimise the risk of noise or dust nuisance to neighbouring residential properties. There should be no burning of waste on the site and there should be no audible construction noise beyond the site boundaries before 0730 or after 1700 hours Monday to Friday or before 0800 or after 1200 hours on Saturdays. There should be no working on Sundays or Bank Holidays.
5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major' accesses - see Part 6 of the "6Cs Design Guide" at www.leics.gov.uk/6csdg
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
 - ii) C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
 - iii) Any street furniture or lining that requires relocation or alteration shall be

carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

6. It is recommended that no development shall take place until a demolition/Construction Method Statement has been agreed with the local planning authority. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement should provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing/road cleaning facilities, where appropriate;
 - vi) the routing of construction traffic;
 - vii) measures to control the emission of dust and dirt during demolition/construction;
 - viii) no bonfires and/or burning on site
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - x) a complaints procedure to be devised and implemented for logging any complaints regarding the development, from interested parties
 - xi) the hours of operation including deliveries
 - xii) measures to control noise from the site including the use of radios together with the responsible positioning of plant and equipment e.g generators etc.



Richard Bennett
Head of Planning and Regeneration **18 February 2014**

NOTES: **P/13/2471/2**

This notice grants planning permission only; it does not allow the demolition or work to a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. Tel: 01509 634924 / 634757 or Email: building.control@charnwood.gov.uk

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 232 3232 or Email: information@leics.gov.uk You are also advised to check whether any restrictive covenants apply to the application site.

Appeals to the Secretary of State for Communities and Local Government (DCLG)
You can appeal to the DCLG against our decision to include conditions on this planning permission.

You must appeal within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN Tel: 0117 372 6372, Email: enquiries@planning-inspectorate.gsi.gov.uk Web-Site: www.planning-inspectorate.gov.uk . The (DCLG) can allow a longer period for making an appeal, but will not normally do so unless there are special circumstances to justify any delay.

A useful resource is the Planning Portal with guidance, information and relevant links to assist in the appeals process: www.planningportal.gov.uk

The (DCLG) need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order.

In practice, the (DCLG) does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the (DCLG).

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Access and provision for disabled persons.

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (Sections 4,7,8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for Disabled persons within the building. You should also check the Code of Practice B.S. 5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2, Park Street, London, W1A 2BS and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

Access for fire brigade.

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.