
Appeal Decision

Site visit made on 23 September 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/K3415/W/25/3367872

Central House, Business Support Centre, Hermes Road, Lichfield WS13 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by McDonald's Restaurants Ltd against the decision of Lichfield District Council.
 - The application Ref is 24/00705/FUL.
 - The development proposed is demolition of existing building and erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and Play Frame (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and Play Frame (Sui Generis) at Central House, Business Support Centre, Hermes Road, Lichfield WS13 6RH in accordance with the terms of the application, Ref 24/00705/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised Delivery Management Plan was submitted alongside the appellant's Final Comments. This plan reflects adjustments to delivery arrangements in line with the conditions suggested by the Council. The changes in delivery hours are limited and would not result in a different application than that which was before the Council. Consequently, they do not constitute a fundamental change to the scheme.
3. Although the plan was submitted within the normal time limits for the appeal procedure, it was provided after the period during which interested parties could comment. To ensure fairness, re-consultation was undertaken specifically on the Delivery Management Plan. Therefore, accepting this plan would not prejudice interested parties.
4. The site is located within the Zone of Influence (Zoi) of the Cannock Chase Special Area of Conservation (SAC). Whilst not forming part of the Council's reason for refusal, as the competent authority I need to consider whether there would be adverse effects on the integrity of the habitats site in accordance with The Conservation of Habitats and Species Regulations 2017.

Main Issue

5. The main issue relevant to this appeal is the effect of the proposal on the living conditions of nearby occupiers with regard to noise, disturbance, light and odour.

Reasons

6. The appeal site is located next to Eastern Avenue within an area characterised by a mix of commercial and residential uses. On the same side of Eastern Avenue as the appeal site, there are several substantially sized commercial units including, Lidl, B&M and a Costa drive thru. Opposite the site, across Eastern Avenue are residential dwellings comprising predominantly two-storey terrace properties set back behind a tree lined grass verge and modestly sized gardens or driveways. The appeal site currently accommodates a large single storey commercial building occupied by the Central England Co-operative, with car parking areas accessed from both Eastern Avenue and Hermes Road. The proposal seeks to demolish the existing buildings on site and construct a new freestanding restaurant with associated facilities.
7. The existing building operates as a depot, generating activity from vehicle and staff movements, which likely contributes to noise and disruption to nearby occupiers alongside the other commercial operations nearby as well as traffic on Eastern Avenue.
8. The proposed building would be located near Eastern Avenue, with the drive thru lane circulating around the building, bringing vehicles in proximity to Eastern Avenue. The customer car park and proposed play frame would be located on the opposite side of the proposed building situated away from Eastern Avenue and the nearby dwellings. Vehicular access to the appeal site would be via Hermes Road which connects to Eastern Avenue. The appeal building would be a modestly sized single storey restaurant finished in timber effect and dark grey cladding panels, featuring large windows on all elevations except the one facing Eastern Avenue.
9. Concern was raised about the site's proximity to nearby dwellings and the potential for noise and disturbances from customers and delivery drivers, particularly during unsociable hours. The restaurant is proposed to operate between the hours of 06:00 and 23:00, with Heavy Goods Vehicle (HGV) deliveries restricted to between 06:00 and 20:00.
10. An Acoustic Assessment (AA) was submitted, identifying ambient sound levels around the appeal site. It concluded that in terms of noise created by vehicles using the drive thru it was expected that this activity, when considered alongside the existing background sound level would result in the greatest increase of less than 1 decibel(dB) which was found to have a 'negligible' impact in the short term. Additionally, the sound of car doors being slammed shut was found to typically be below the ambient noise level nearby throughout the day. A similar conclusion was drawn regarding the movement of customer vehicles, which would primarily occur in the customer car park located away from residential properties.
11. Three HGV deliveries are expected each week. The AA identified that deliveries conducted outside of the hours of 23:00 and 03:00 would generate noise levels below the ambient noise levels nearby. This supports the suggested condition to limit the hours when deliveries take place, and a Delivery Management Plan has been submitted to ensure appropriate controls are in place to manage this. A condition has been suggested to ensure the development is carried out in accordance with this Delivery Management Plan which would seek to mitigate concerns regarding delivery-related disturbances.

12. The drive thru would include speaker posts at order points; however, the AA confirmed that these would be controlled numerically to be below background sound level and as such, the noise generated by these would not be sufficient to cause significant disruption to nearby occupants.
13. A separate Environmental Noise Assessment (ENA) recommended mitigation measures to limit noise created by extraction fans. Subject to a condition securing these measures, concerns regarding mechanical noise emissions would be adequately addressed.
14. The Transport Statement, using TRICS data, assessed Saturday peak sensitivity and projected that the proposed use would generate a potential 10% uplift in traffic generation. The AA identified that this uplift would increase the sound level by less than half a dB in itself. It determined that the overall increase in sound levels due to the development, for neighbouring occupiers would remain no more than 1 dB. No substantive technical evidence has been presented to challenge these findings and based on the information available I find no reason to dispute the conclusions of the AA and the ENA.
15. The Lighting Impact Assessment Report identifies the proposed location for external lighting and signage and recommended lux levels to prevent obtrusive light impact on residential properties opposite the site on Eastern Avenue as well as eliminate potential night sky pollution. A condition securing the lighting scheme would ensure compliance, and no substantive technical evidence has been provided to dispute the Report's findings.
16. Whilst some noise from customers socialising around the building may occur, this would not inherently result in an unacceptable adverse impact on residential amenity. Concerns raised are more reflective of individual behaviour than the use itself. The proposal incorporates several design features to deter anti-social behaviour, including signage, extensive glazing for natural surveillance, security cameras and external lighting which can discourage inappropriate activity. The restricted opening hours further limits the potential for late-night disturbances.
17. The submitted Odour Control Report identified that a 'High' level of odour control would be recommended and set out mitigation measures to achieve this. Subject to a condition securing the approval and implementation of these measures, the development would not result in a significant adverse impact on the living conditions of nearby residents. No substantive technical evidence has been submitted to contradict the conclusions of the Odour Control Report.
18. The National Planning Policy Framework (the Framework) requires that new developments do not create unacceptable effects and for noise to be reduced and mitigated to ensure there are no significant adverse impacts. The Planning Practice Guidance (PPG) sets out the noise exposure hierarchy. Development would have the lowest observed adverse effect if the perception of noise is noticeable and intrusive. As noted above, the development would have a noticeable effect, but it has not been demonstrated that this would be above the lowest observed adverse effect level as identified in the PPG. Consequently, mitigation and minimisation measures have been recommended to reduce and minimise the effects. These would ensure that whilst the development would still create some noise and disturbances that it would not have a significant adverse impact on neighbouring residents. In so doing, the development would broadly

comply with the aims of the Noise Policy Statement for England which seeks to mitigate and minimise adverse impacts on health and quality of life, as well as the Framework and the PPG.

19. The Council's Environmental Health Team has advised that the impacts on residential amenity would be acceptable, subject to the imposition of conditions related to a noise management plan, odour control measures and a construction environment management plan. Based on the evidence presented and the reasoning set out above, there is no substantive technical basis to reach a different conclusion.
20. Therefore, for the reasons given above, the proposed development would not have a significant adverse impact on the living conditions of nearby occupiers. Consequently, the proposal would accord with Policies CP3 and BE1 of the Lichfield Local Plan Strategy (LP) and Policy EMP1 of the Local Plans Allocations document. These seek, amongst other matters, to ensure developments protect the amenity of residents.

Other Matters

21. The appeal site is within the ZOI of the SAC, a European site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of European sites. This requires consideration of whether the proposal would have an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of whether the plan would affect the integrity of a European site must be undertaken.
22. The qualifying reasons of the SAC and its primary reasons for selection as an SAC are its European dry heaths and North Atlantic wet heaths with cross-leaved heath. The conservation objectives of the SAC include ensuring that the integrity of the site is maintained or restored as appropriate, including its structure and function, supporting processes on which the qualifying natural habitats rely.
23. Given the separation distance between the appeal site and the SAC, the proposal would not result in the direct loss of any habitats associated with the SAC. Taking into consideration the nature, scale and location of the proposed development and nature of the receiving environment, I consider there to be no evident pathway that would result in the proposal having a likely significant effect on any qualifying features of the SAC, whether alone or in combination with other developments.
24. Therefore, the proposal would not undermine the conservation objectives of the identified habitats site, and an appropriate assessment is not required. Consequently, the proposal accords with the policies in the Framework that seek to protect areas of particular importance relating to habitats sites. The Council came to a similar conclusion on this matter and for the reasons given above I find no reason to conclude otherwise.
25. As noted earlier, technical evidence indicates that the proposed development would result in approximately a 10% increase in traffic generation. Eastern Avenue operates with a 30 miles per hour speed limit, features footways on both sides of the carriageway, and includes a shared cycle lane on the opposite side. The route

is well-lit by streetlights and benefits from nearby signal-controlled pedestrian crossings.

26. The Highway Authority raised no objection on highway safety grounds, citing the absence of any recorded personal injury collisions within 43 metres of the site over the past five years. This supports its conclusion that the local network can safely accommodate the projected traffic. Furthermore, the evidence demonstrates that there is sufficient capacity to manage the additional vehicle movements.
27. On this basis, it is not apparent that the development would adversely affect the operation of emergency service vehicles or compromise highway safety. Accordingly, I am satisfied that the traffic generated by the proposal would not significantly disrupt the local highway network, nor would the use of the appeal site result in an unacceptable impact on highway safety. There is no substantive evidence before me to reach a different conclusion from that of the Highway Authority.
28. Concerns related to vehicle racing or cruising are behavioural in nature not inherently linked to the proposed use. Similarly, no substantiated technical evidence has been provided to demonstrate that the increase in traffic generated from this use would have a significant adverse effect on local air quality. The Council did not identify this as a concern and based on the information before me I find no reason to disagree.
29. The submitted Transport Statement also considered the potential for the peak drive thru queue. When compared against a comparable restaurant, the peak was 16 vehicles. Applying a 10% sensitivity tests, the peak queue could rise to 18 vehicles. The proposed drive thru layout has a capacity to accommodate 21 vehicles which would be sufficient to accommodate the demand on site identified in the Transport Statement. Accordingly, the evidence shows that the operation of the drive thru is unlikely to result in queuing or overspill onto the surrounding highway network.
30. The proposal involves the demolition of an existing commercial building, and it would be replaced with a new commercial use next to an established retail park. As a result, the proposed development would maintain the character of the site. The surrounding area comprises a mix of commercial and residential uses, and the proposal is consistent within this context. Furthermore, the proposed hours of operation are comparable to other nearby commercial premises and do not propose 24-hour use. As such, it is not evident that this development would undermine the character or nature of the area.
31. The surrounding commercial units are largely utilitarian in character and appearance, including the existing development on site. The proposed building would be smaller in scale than those around it and the use of a mix of timber effect and dark grey cladding panels would soften the appearance of the building. Given that the building would be viewed alongside the other commercial buildings on the same side of Eastern Avenue, the scale and design of the development would be appropriate in this context.
32. Although the site is located outside of the defined city centre boundary in the LP, a Sequential Test was undertaken which demonstrated that there are no alternative sites that are suitable and available, which could be seen as sequentially

preferable to the proposed site. The Council accepted this conclusion and based on the evidence before me, I concur.

33. The Council did not refuse the application on the grounds of commercial competition. Furthermore, it has not been substantiated that the proposal would significantly undermine the viability of nearby businesses or deter customers from visiting. Concerns were not raised by the Council regarding a concentration of fast food uses in the area and the effect that can have upon the health and wellbeing of residents. Based on the information before me it is not evident that this development would result in the proliferation of such uses in this nearby area to warrant refusal of the scheme.
34. There is a charity that currently operates out of the appeal building, however, this was only to be for a temporary period until a new centre was built for it. Based on the information before me, that centre is due to be completed in December 2025 and the charity and those that use the services it provides from the building would not be forced to move from this building before that centre is complete. As the charity was due to move site in any case, the redevelopment of this site would not result in the loss of this community use or the services it provides for those who may have a protected characteristic.
35. The submitted Arboricultural Method Statement and Tree Protection Plan set out how trees around the site could be protected during construction which includes trees that are covered by a Tree Preservation Order. Whilst a tree and a hedge would be felled as part of this development, the works on site would be appropriate, proportionate and in keeping with the long term aims of the Tree Preservation Order. Furthermore, it has been identified that the proposal would secure a 10% biodiversity net gain, providing both habitat and hedgerow units. Consequently, the development would result in a biodiversity net gain on site in accordance with the biodiversity gain condition. Additionally, it is proposed that bat and bird boxes as well as invertebrate 'hotels' would be provided on site. The Council's Ecology Manager did not object to the application subject to a condition regarding external lighting. Based on the evidence before me, I find no reason to conclude differently.
36. No substantive evidence has been presented to demonstrate that the option of visiting the proposed restaurant would negatively impact a child's right to the highest attainable standards of health or access to healthcare services, as set out in Article 24 of the United Nations Convention of the Rights of the Child. Accordingly, it is not evident that the development would conflict with this provision.
37. Issues related to off-site littering are a matter of individual behaviour. The proposed scheme includes refuse facilities on site to seek to mitigate this concern as well as concerns related to vermin.
38. Each case must be assessed on its own individual merits, irrespective of any previous submissions. Matters relating to private interests such as land or property value, or the ethical standing of the applicant has little to do with these.

Conditions

39. Further to the statutory commencement condition, a condition requiring the development is carried out in accordance with the approved plans is necessary in the interests of certainty.
40. Condition 3 is necessary in the interests of ensuring the development would not increase the risk of flooding elsewhere. Matters related to the surface water disposal hierarchy are guidance and thus it is not necessary for such detail to be included in the condition itself, and this guidance can and should be taken into consideration when the details are submitted for approval. Condition 4 is necessary in the interests of highway safety as well as ensuring the development would not increase the risk of flooding elsewhere. It is necessary for these conditions to be pre-commencement as it is fundamental to have these matters secured prior to any development commencing on site which could affect flood risk and highway safety prior to the works approved by these conditions being implemented.
41. The Framework states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. No such justification to restrict permitted development rights to extend the building has been provided. Consequently, restricting permitted development rights to do so would not accord with the tests for conditions set out in the Framework.
42. Evidence indicates that external illumination could impact bats which are a protected species. Additionally, the site lies within 10 metres of a railway boundary, where lighting overspill could affect Network Rail land, and is close to residential properties where occupiers may also be impacted. To address these concerns, a condition requiring the development to be carried out in accordance with the submitted external illumination strategy is reasonable and necessary [7].
43. In light of this and the evidence provided, there is no clear justification for imposing a second condition restricting permitted development rights for external lighting. Such a condition would not meet the tests set out in the Framework and therefore cannot be considered necessary.
44. Given that noise mitigation measures are already set out in the ENA, requiring approval of a noise management plan via a condition would not be necessary, subject to a separate condition requiring compliance with the ENA [10].
45. Conditions 5, 6, 10, 13, 14, 15, and 16 are necessary in the interests of the living conditions of nearby residents. It is necessary for condition 5 to be pre-commencement to ensure measures are in place before works that could affect the occupiers living conditions take place.
46. Conditions 8 and 9 are necessary in the interests of highway safety.
47. Condition 11 is necessary in the interests of the character and appearance of the area.
48. Condition 12 is necessary in the interests of protecting trees around the appeal site.

49. A condition requiring the existing building is demolished is unnecessary given that it is located in the same general area as the proposed building and it would have to be demolished for the proposed restaurant to be erected.

Conclusion

50. The proposed development would accord with the development plan and there are no material considerations that indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 1808_0001C Location Plan; 1808_0002H Proposed Block Plan; 1808_0005B Proposed Plans; 1808_0006A Proposed Plans; 1808_0004G Parking Plans; 19398-VL_L02B; 19398-VL_L01C; 11366-D-AMS – D1 Existing Site Plan Tree Works; 11366-D-AMS – D2 Demolition Phase; 11366-D-AMS-D3 Drainage; and 11366-D-AMS-D4 Construction Phase.
- 3) Before the development hereby permitted is commenced details of drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority. The drainage plans shall include a management and maintenance plan for the lifetime of the development. The drainage plans shall be carried out in accordance with the approved details before the development is first brought into use. The drainage plans shall be managed and maintained in accordance with the approved management and maintenance plan. No surface water shall enter the foul or combined water system by any means.
- 4) Before the development hereby permitted is commenced, full details of the following shall be submitted to and approved in writing by the local planning authority:
 - i. Proposed means of access
 - ii. Layout of the site including disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage; and
 - iii. Road construction details including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.

The development shall thereafter be undertaken in accordance with the approved details prior to first use and shall thereafter be retained as such for the lifetime of the development.

- 5) Before the development hereby permitted is commenced, including any demolition or site clearance works, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by the local planning authority. The approved CEMP shall include details relating to construction access, hours of construction, routing of Heavy Goods Vehicle's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.
- 6) Before development takes place above slab level, details of a scheme for the control of odour and other emissions from the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed before the development is first brought into use and shall thereafter be retained and maintained in accordance with the manufacturer's recommendations for the lifetime of the development.
- 7) The scheme of external illumination shall be carried out in accordance with the drawing no D-581516/0400953681/Rev 3 installed before the development hereby permitted is first brought into use. The approved scheme of external illumination shall be retained as such thereafter.
- 8) The proposed car parking, cycle parking, access, serving and circulation areas as shown on drawing no 1808_0002H shall be sustainably drained, hard surfaced in a bound material, lit and marked out before the development hereby permitted is first brought into use. Thereafter these parking/servicing areas shall be retained in accordance with the approved drawing for the lifetime of the development.
- 9) Before the development hereby permitted is first brought into use the existing access and egress on Eastern Avenue to the Co-op car park at the front of Central House shall be closed and the footway reinstated.
- 10) The mitigation measures set out in the Table 1 of the Environmental Noise Assessment, prepared by aasw acoustic associates sw ltd, dated 3 May 2024 shall be installed before the development hereby permitted is first brought into use and retained as such for the lifetime of the development.
- 11) Before the development hereby permitted is first brought into use the soft landscaping shown on drawing nos 19398-VL_L02B and 19398-VL_L01C shall be carried out in accordance with the approved drawings and shall be maintained in accordance with the Maintenance Notes set out on drawing no 19398-VL_L01C.
- 12) The development hereby permitted shall be undertaken in strict accordance with all the specific details, recommendations and methods of working detailed within the Arboricultural Method Statement and Tree Protection Plan, prepared by Hayden's Arboricultural Consultants, dated 20 November 2024.
- 13) The development hereby permitted shall be undertaken in strict accordance with the Delivery Management Plan, prepared by ADL Traffic & Highways, dated August 2025.

- 14) No amplified or other music shall be played in or outside of the premises at any time.
- 15) The development hereby permitted shall only be open to the public between the hours of 06:00 to 23:00, Monday to Sunday.
- 16) Heavy Goods Vehicle deliveries shall only be taken at or dispatched from the site between the hours of 06:00 hours and 20:00 hours, Monday to Sunday.