

Delegated Report

Planning Ref: 23/00411/FUL

Applicant: McDonald's Restaurants Limited

Ward: Hinckley DeMontfort

Site: McDonalds, Wheatfield Way, Hinckley

Proposal: Extension to shopfront and side elevations, replacement of access doors, updated drive through booths and food store, reconfiguration of outdoor seating area, railings and associated works.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application proposes extensions to the shopfront and side elevations, replacing the existing access doors, providing updated drive through booths and food store. The application also proposes alterations to the outdoor seating and railings.

3. Description of the site and surrounding area

- 3.1. The application site is located within an industrial estate on Wheatfield Way. The site is bound by the A47 to the north and is located next to Fields Fitness, and other business and industrial uses to the east, south and west. The site has existing car parking and drive through facilities.

4. Relevant planning history

15/00464/FUL

Extension under eaves of existing restaurant to create enlarged dining area
Planning Permission

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters and posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. HBBC Pollution: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)

- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. The NPPF identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

- 8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The proposal seeks to extend the unit to both the shop front and side elevations, these extensions are minor in size. The proposed extensions relate to the amended shop front, drive through booths and food store. The materials used on the extensions and alterations include aluminium panels. The proposal also included minor amendments relating to the reconfiguration of the outdoor seating for customers.
- 8.6. Due to the location of the proposed development, within the existing industrial site, it is considered that the proposals would not negatively impact the character of the area and would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.8. The development site is located within an existing industrial area, and is not within close proximity to neighbouring residential properties. The proposals submitted under this application will cause no increased impacts upon the neighbouring units and as such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.9. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.10. The proposals under this application are considered to not impact upon the existing parking provision within the bounds of the site. Whilst extensions are proposed which would increase the seating area, this is not to a degree that is considered to lead to an adverse intensification of the existing use of the site. Therefore the proposals do not create any negative impact upon highway safety.
- 8.11. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. **Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. **Conclusion**

- 10.1. The proposal seeks to erect minor extensions to the unit to facilitate amendments to the sites frontage, drive through booths and additional food store, alongside this the proposal seeks to reconfigure the outdoor seating area. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings.

- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

11. **Recommendation**

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three 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 the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan Drg No. 0001

Block Plan Drg No. 0002

Proposed Site Plan Drg No. 0004 Rev A

Existing and Proposed Elevations Drg No. 0005 Rev A

Proposed Floor Plans Drg No. 0050 Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.