

**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
CENTRAL AREA PLANNING COMMITTEE
28 JULY 2021

Application No:	21/00270/ADV
Location:	McDonald's Fullbridge Essex CM9 4LE
Proposal:	Application for advertisement consent for the installation of 4No. Fascia signs
Applicant:	McDonald's Restaurants Limited
Agent:	Mrs Sarah Carpenter - Planware Limited
Application Expiry Date:	10 June 2021 - EoT until 4th August 2021
Parish:	MALDON
Case Officer:	Amit Patel
Reason for referral to Committee:	Councillor call in by Councillor C Mayes Policies: D6, D1

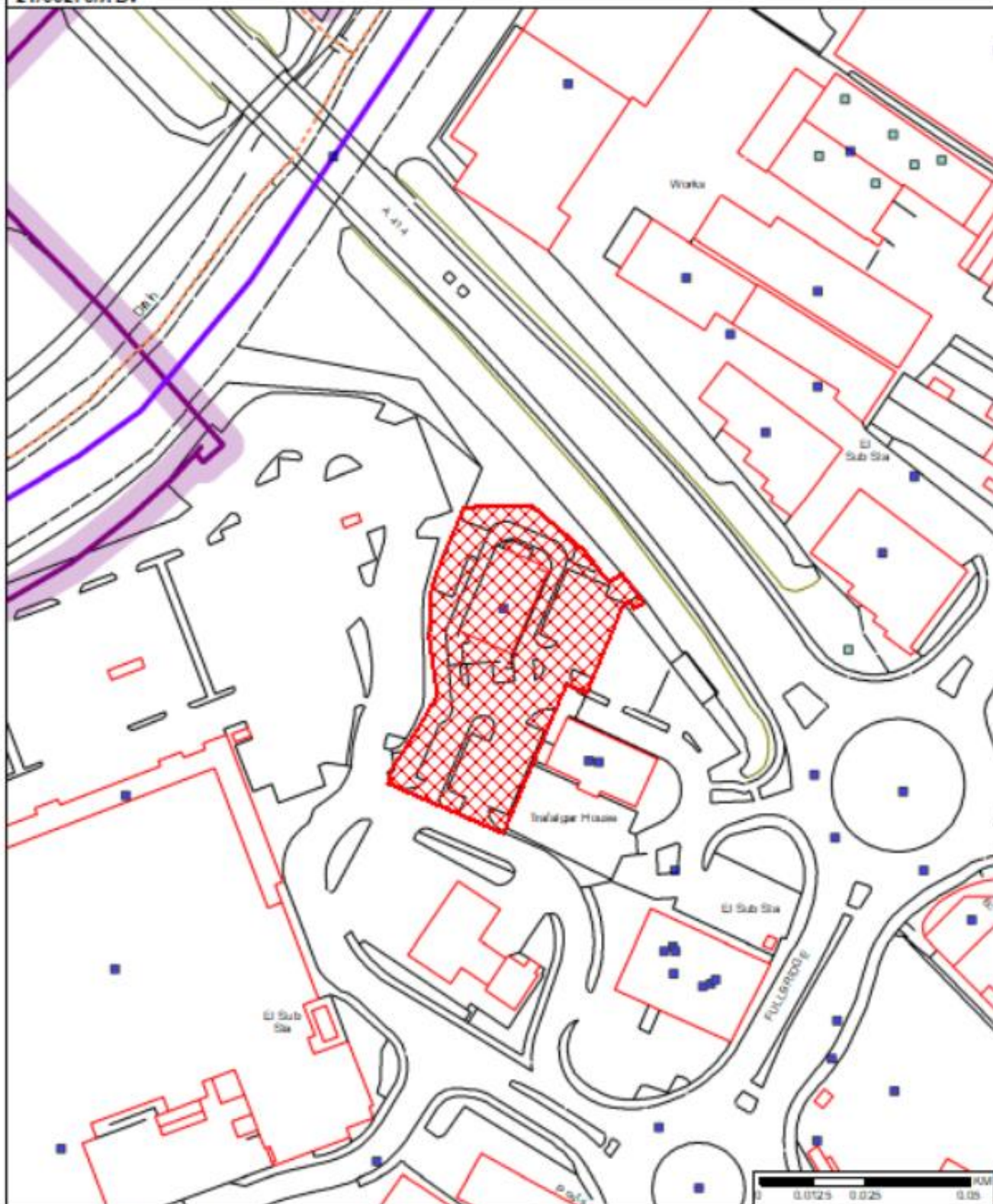
1. RECOMMENDATION


GRANT ADVERTISEMENT CONSENT subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

McDonalds, Fullbridge
21/00270/A DV



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	15/07/2021
	MSA Number:	100018588

3. **SUMMARY**

3.1. **Proposal / brief overview, including any relevant background information**

Site description

3.1.1 The application site lies within the settlement boundary of Maldon, located within the Blackwater Retail Park and is occupied by a single-storey commercial building used as a Use Class A3 unit (McDonalds). The unit is situated approximately 100 metres away from a grade II listed building, Old Ironworks, opposite a supermarket, Tesco, with petrol station and adjacent to an office building, Trafalgar House.

Proposal

3.1.2 Advertisement consent is sought for the following signs:

3.1.3 This application relates to the signage on the building. There are already signs in the position of the new signs and this application is upgrading these signs to reflect the new design.

3.1.4 The plans submitted shows that the signage is already internally illuminated, and the new signage would be internally illuminated also.

3.1.5 The main difference would be that the size of the signage has slightly increased in size and colour, with the wording "McDonald's" colour black to coloured white:

- Drive thru side the double arch "M" would be slightly larger and replace the word "McDonald's".
- The opposite side elevation the "M" would change to the wording "McDonald's"
- On the front elevation, within the left-hand side gable the word "McDonald's" would be removed and replaced with the letter "M".
- The letter "M" would measure 1.37m high, 0.9m wide and 0.1m deep. The word "McDonald's" would measure 2.73m, wide, 0.3m high and 0.1m deep.

3.2. **CONCLUSION**

3.2.1 Although the proposed development would not increase the number of fascia signs, they will be slightly larger than the existing and repositioned on the building are considered acceptable in terms of style and design, including its siting and materials, as it would not have a detrimental impact upon the character and appearance of the area. Furthermore, it would not be detrimental upon highway safety. As such would be in accordance with adopted policies D1, D6, H4 and T2 of the LDP and advice contained within the NPPF.

4. **MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 54 – 57 Planning conditions and obligations
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- D1 Design Quality and Built Environment
- D6 Advertisements
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety.
- 5.1.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:
- 1) *“The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
 - 2) *Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
 - 3) *Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
 - 4) *Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.”*
- 5.1.3 Paragraph 132 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.
- 5.1.4 As the proposal seeks consent in order to display signage within an existing commercial site, it is considered that the principle is acceptable. Other material considerations are discussed below.

5.2 Impact on Amenity

- 5.2.1 In assessing the impacts of visual amenity, the Local Planning Authority (LPA) must assess the visual and aural amenity in the immediate locality of an advertisement or

site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the LPA must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.

- 5.2.2 In terms of the scheme potentially detracting from the area, the level of signage would not increase on the fasciae but would result in relocating existing signs, which is not considered to result in demonstrable harm to the character or appearance of the commercial locality or a proliferation of adverts. The scale and proportions of the adverts are considered to be proportionate to the size of the site or the main restaurant building. The proposed signage is not considered to be visually obtrusive, nor to cause harm to the character and appearance of the site in accordance with policy D6 of the LDP.
- 5.2.3 As stated above there would not be additional signs to the ones that already exist but are design and positioned differently. In light of this the amount of advertisements proposed, it is considered appropriate for the established use of the site.

Furthermore, the area is not residential and as such the illumination would not affect any neighbouring residents and as stated above the existing signs are already illuminated and the re-positioning of the signs will also be illuminated and therefore will not be out of keeping with the existing arrangements. Although the Parish Council have suggested that the illumination be shut off when the restaurant is not in use, it is considered that as this is a commercial area and a significant distance from residential premises, there is no justification to recommend a condition of this nature and could not be justified as a reason for refusal. Such a condition would not, therefore, be reasonable or necessary.

- 5.2.4 Therefore, it is considered that the proposed development would be acceptable in its setting as it would cause no demonstrable harm to the character and appearance of the area in compliance with policies D1 and D6 of the submission LDP.

5.3 Effect on Public Safety

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 It is considered that the design of the adverts themselves is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. In addition, the design is considered to aid traffic by directing them to their destination.
- 5.3.4 The positioning of the advertisements which are visible from the highway, are not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. Essex County Council Highways (ECC) has also been consulted and raised no objection to the proposed signage subject to conditions.

5.3.5 Therefore, it is considered that no conflict would arise in regard to saved policy D6 of the submitted LDP.

5.4 Other Material Considerations

5.4.1 The additional signs for the drive thru is considered under a separate application 21/00271/ADV and layout changes are considered under 21/00269/FUL.

6. ANY RELEVANT SITE HISTORY

- **96/00429/FUL** – Class A3 restaurant with drive-thru facility and associated landscaping and car parking – APPROVED (21.11.1996)
- **97/00696/FUL** – Extension to existing restaurant – APPROVED (08.01.1998)
- **09/00688/FUL** – Refurbishment of restaurant and patio area. Changes to elevations which include additional cladding. Installation of customer order display. Replacement and new signage. – APPROVED (12.10.2009)
- **16/00315/FUL** – Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines. Construction of 3.No extensions. The installation of 2 x Customer Order Displays (COD) with associated canopies. The relocation of the existing container and the enlargement of the existing bin store. – APPROVED (03.06.2016)
- **16/00316/ADV** – Reconfiguration of existing signage suite – APPROVED (03.06.2016)
- **16/00317/ADV** – Installation of new pole sign with 24 hour appendage. – WITHDRAWN.
- **18/00932/LDE** – Claim for lawful development certificate for existing use of storage container for equipment and operational stock. – REFUSED (02.10.18)
- **18/01506/FUL** – Section 73A application for the continued use of a customised container. – REFUSED (30.04.2019).
- **20/00012/ADV** – The installation of 3no. new digital freestanding signs and 1no. 15" digital booth screen – APPROVED (03.03.2020)

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon	Recommend granting of the application. However, note that the internally illuminated signs shall be switched off when not in use.	Noted in the above assessment.

7.2 Statutory Consultees and Other Organisations:

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways (ECC)	The proposal is acceptable to Highway Authority, subject to conditions	Comments noted

7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
3. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007. 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
7. The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².
REASON: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with policies D6 and T2 of the Maldon District Local Development Plan.

INFORMATIVES

1. All highway related details shall be agreed with the Highway Authority All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works. The applicant should contact the Development

APPENDIX 1

Management Team by email at development.management@essexhighways.org or
by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU