



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
CENTRAL AREA PLANNING COMMITTEE
17 NOVEMBER 2021**

Application No:	21/00813/ADV
Location:	McDonald's Fullbridge Essex CM9 4LE
Proposal:	Application for advertisement consent for the installation of 5No. new digital freestanding signs and 1No. 15" Digital booth screen.
Applicant:	McDonald's Restaurants Limited
Agent:	Mrs Sarah Carpenter - Planware Limited
Application Expiry Date:	29 October 2021 - EoT until 19th November 2021
Parish:	MALDON
Case Officer:	Hannah Dungate
Reason for referral to Committee:	Previous Committee Decision

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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 five single standing Digital Menu Boards (labelled as sign 2), and one 15" display screen (labelled as sign 3) to be attached to the southeast elevation of the main building.
- 3.1.3 This application follows a previously refused application for a similar development (Reference 21/00271/ADV). The signs would be located in the same position, either side of the drive-thru lanes serving McDonald's, as the signs proposed as part of the previously refused application (21/00271/ADV refers). The main difference between this application and the previously refused scheme is that the proposed standing signs would now consist of single screens only and would not be double width. The signs would measure 0.84m in width, which has been reduced from 1.5m in width, 1.3m in height and 0.1m in depth. The overall height of the signage, including the base stand, would be 2m in height which would remain the same as the previous proposal.
- 3.1.4 The application also includes a 15-inch LCD display screen at the digital booth located on the eastern side of the building, which would measure 0.39m wide, 0.09m deep and 0.35m high and would be located 1m above ground level. The signs would be internally illuminated.
- 3.1.5 It is noted that signage around the building in association with the reconfiguration of the drive-thru element of the McDonalds, has previously been approved as part of application refs. 20/00269/FUL and 21/000270/ADV.

3.2 Conclusion

- 3.2.1 The reduction in the size of the digital screens at the site, from four double width screens, and one single width screen, to five single screen standing signs only, is considered to overcome the previous reason for refusal and would reduce the overall visual clutter at the site. The proposed signage, in terms of style, design, siting and materials would not have a detrimental impact upon the character and appearance of the area and would be considered to be acceptable in the locality. Furthermore, the proposed signage would not have a detrimental impact upon highway safety. As such, the proposal would be in accordance with adopted policies D1, D6, H4 and T2 of the Local Development Plan (LDP) and advice contained within the National Planning Policy Framework (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 (NPPF) 2021 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
- 55-59 Planning conditions and obligations
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 189-217 Conserving and enhancing the historic environment

4.1.1 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

4.1.2 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) 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 Maldon District 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 The previous application was refused for the following reason:

"As a result of the number and size of the advertisements proposed and the limited size of the application site, the proposal would result in visual clutter and an excess of advertisements on this site, thereby harming the character and appearance of the site and the surrounding area contrary to Policies D1 and D6 of the approved Maldon District Local Development Plan."

5.2.3 The level of signage proposed at the site has been reduced, following the previously refused application (reference 21/00271/ADV), and would now consist of five single standing signs only, instead of four double width signs and one single width standing sign. This reduction in digital screens, from nine to five in total, would reduce the overall number of advertisements at the site so that there would no longer be an excess of advertisements at the site. The scale and proportions of the adverts are not considered to be disproportionate to the size of the site or the main restaurant building and would not therefore be visually obtrusive or result in visual clutter. For the reasons addressed above, it is considered that the previous refusal reason for the application has now been overcome and the proposed application would not cause harm to the character and appearance of the site in accordance with policy D6 of the Maldon District LDP.

5.2.4 The proposed signs would be viewed in context of the application site and would represent signage in-line with the permitted intended use of the application site. The signage would be located within the application site and would be mostly concentrated near the drive thru lanes, within a commercial area where there is an array of different types of signages for different commercial units. The proposal would not therefore be highly visible from the public realm and would not be out of keeping with the existing character or appearance of the commercial locality.

5.2.5 It is noted that the area is not residential and as such the illumination would not affect any neighbouring residents, given that the closest residential premises is over 90m away. These would be illuminated but are positioned to the side of the building and away from the main roads. It is noted that the Parish Council have now offered their support for the application. As discussed above, the site is within a commercial area

and signage, either illuminated or not, is considered part of the overall context of the area.

- 5.2.6 Therefore, it is considered that the proposed development would be acceptable in its setting as it would not cause any demonstrable harm to the character and appearance of the area in compliance with policies D1 and D6 of the Maldon District 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 advertisements at points where drivers need to take more care are likely to have a greater impact on 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. The signage is located within the site along defined access routes, that being the drive through. There would be no confusion with any other signage as to create hazardous vehicle or pedestrian movement conditions.
- 5.3.4 The positioning of the advertisements is also considered to be a sufficient distance away from the highway such they would not distract passing traffic to the detriment of highway safety. The Highways Authority (HA) has also been consulted and raised no objection to the proposed signage subject to conditions.
- 5.3.5 Therefore, no conflict would arise with policy D6 of the Maldon District LDP.

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)
- **21/00269/FUL** – Reconfiguration of drive thru lane to accommodate side-by-side ordering with changes to car parking and kerb lines, including associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, a 5 sqm extension and replacement drive thru booths. Relocation of the shopfront entrance with new sliding door fitted. The installation of 2 no. digital Customer Order Displays (COD) with overhead Canopies and a Goal Post height restrictor. – APPROVED (28.07.2021)
- **21/00271/ADV** – Application for advertisement consent for the installation of 5no. New digital freestanding signs and 1No. 15" Digital booth screen – REFUSED (28.07.2021)

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Council**

Name of Parish / Town Council	Comment	Officer Response
Maldon	Recommend approval of the application.	Noted.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	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.

- 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 proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

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

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

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