

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	6/2/2020
Planning Development Manager authorisation:	TF	06/02/2020
Admin checks / despatch completed	CC	07/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WLE	07/02/2020

Application: 19/01885/ADV **Town / Parish:** Weeley Parish Council

Applicant: McDonalds Restaurants Ltd

Address: Mcdonalds Restaurant Colchester Road Weeley

Development: Proposed installation of 5 No. digital freestanding signs and 1 No. 15" digital booth screen.

1. Town / Parish Council

Weeley Parish Council No objection to this application

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority. The applicant has submitted a plan that demonstrates that the signs will be located clear of highway land, therefore:

The Highway Authority raises no objection subject to:-

The maximum luminance of the proposed sign(s) shall not at any time exceed the standards contained within The Institution of Lighting Engineers Technical Report Number 5, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) in relation to the 5 digital freestanding signs.

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
 Colchester Highways Depot,
 653 The Crescent,
 Colchester
 CO4 9YQ

3. Planning History

00/00189/FUL	Erection of freestanding Class A3 restaurant, with associated landscaping and car parking		01.12.2000
00/00190/FUL	Erection of freestanding Class A3 restaurant, with associated landscaping and car parking (Duplicate application)		01.12.2000
00/00828/ADV	General site signage	Approved	13.09.2000
00/00829/ADV	General site signage	Approved	13.09.2000
00/00830/ADV	Restaurant signage	Approved	13.09.2000
00/00831/ADV	Restaurant signage	Approved	13.09.2000
00/00959/ADV	General site signage	Withdrawn	12.05.2001
00/00960/ADV	General site signage	Approved	13.09.2000
89/01871/OUT	Proposed service area restaurant, Tourist Information Centre and Picnic Area	Approved	26.10.1993
91/00331/OUT	Petrol Station with restaurant and addition of a 40 bed Motel with parking and associated services.	Refused	08.10.1991
10/00592/FUL	Refurbishment of restaurant and patio area. Changes to elevations which includes the removal of the light beams from the roof and booth one window. Installation of a customer order display. Replacement and new signage.	Approved	19.07.2010
10/00593/ADV	Refurbishment of restaurant and patio area. Changes to elevations which includes the removal of the light beams from the roof and booth one window. Installation of a customer order display. Replacement and new signage.	Approved	19.07.2010

10/00748/ADV	Relocation of existing pole sign and increase of pole height from 4 metres to 9 metres.	Withdrawn	09.08.2010
10/00935/ADV	1no. totem 1 sign and extension of existing pole from 4m to 6m on freestanding road side sign.	Refused	07.10.2010
10/01315/ADV	Extension of existing pole from 4m to 6m on freestanding road side sign.	Refused	05.01.2011
10/01316/ADV	1 No. Totem sign.	Refused	10.01.2011
14/01165/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 and associated works to the site. Construction of a remote corral.	Approved	10.10.2014
14/01166/ADV	The installation of 2 no. Customer Order Displays (COD). Reconfigured signage suite with additional displays.	Approved	08.10.2014
14/01446/ADV	Installation of a new freestanding illuminated sign on 4m pole with 24hr appendage.	Refused	12.01.2015
17/00690/FUL	Construction of drive thru booth extensions with new style windows and new sliding doors.	Approved	15.06.2017
19/01885/ADV	Proposed installation of 5 No. digital freestanding signs and 1 No. 15" digital booth screen.	Current	

4. Relevant Policies / Government Guidance

Tendring District Local Plan 2007

EN18B	Advertisement Control
TR1A	Development Affecting Highways
EN1	Landscape Character

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

PPL3 The Rural Landscape

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

The proposal

The proposal is for a total of six new signs in relation to the McDonald's drive thru service consisting of:

Sign 1:

4 x double digital menu boards 2.2 metres in overall height from the ground, with internally illuminated 1.4 x 1.6m menu panels. The signs are sited on the eastern side of the McDonalds building - 2 per drive-thru lane.

Sign 2:

1 single digital menu board 2.2m (approx.) in height above the ground with a 1.8 x 1.4m internally lit menu panel situated on the drive-thru entrance just before the lane splits into two.

Sign 3:

A digital display screen 0.39m x 0.35 (for order confirmations) attached externally to booth on western side of building

Site Description:

McDonalds drive-thru restaurant beside roundabout at Colchester Road, Weeley, adjacent to a service station and hotel.

Assessment

The two main issues in considering the application are visual amenity and highway safety.

Visual amenity

The proposed signs relate to the drive-thru. The digital menu signs (sign 1) replace existing drive-thru menu signs and are close in similarity in terms of height and scale. The additional single digital menu display (sign 2) is placed at the entrance to the drive-thru and does not raise any concerns in terms of visual impact in the context of the site. Also sign 3 is small in nature (15" LCD screen) and external to the collection booth with no significant visual impact. Therefore the proposal would not result in any material harm to the local visual amenity.

Highway Safety

The size, location and orientation is such that the proposal would not materially affect highway safety. The Highways Authority has no objection subject to condition for luminance to be restricted to 600 cd/m²) for the 5 free standing signs. Note this restriction does not apply to Sign 3, the smaller 15" LCD screen as confirmed in their comments.

Other considerations:

No representations received.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

1 All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -

1. 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.

2. 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 purpose of security or surveillance or for measuring the speed of any vehicle.

3. 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.

4. 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.

5. 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.

Additionally all advertisement consents are for a fixed term of 5 years unless this period is varied on the formal decision notice.

2 The maximum luminance of the proposed 5 free standing signs shall not at any time exceed the standards contained within The Institution of Lighting Engineers Technical Report Number 5, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²).

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

- 3 The maximum luminance of the proposed 15" LCD Reconnect Booth Screen shall not at any time exceed 1600 Candelas per square metre (1600 cd/m2).

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

8. Informatives

INFORMATIVE 1:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO