

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	11/2/2020
Planning Development Manager authorisation:	TF	11/2/2020
Admin checks / despatch completed	CC	12/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	12/2/2020

Application: 19/01920/ADV **Town / Parish:** Clacton Non Parished

Applicant: McDonald's Restaurants Ltd

Address: McDonalds Restaurant Ltd Hartley Brook Road Clacton On Sea

Development: Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.

1. Town / Parish Council

No reply.

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

14/00107/FUL	Full planning permission for a cinema complex (including restaurants), superstore, petrol filling station, extension to Picker's Ditch walkway and associated parkland together with an extension to the existing Brook Country Park.		22.05.2014
14/00730/FUL	Full planning application for cinema complex (including restaurants), superstore, petrol filling station, extension to the Picker's Ditch walkway and associated parkland together with an extension to the existing Brook Country Park (duplicate application).	Withdrawn	30.08.2016
16/01250/OUT	Hybrid planning application comprising: - Detailed application for foodstore (A1), hotel (C1), family public house (A3/A4), restaurants (A1/A3/A5), retail warehouse units (A1), picker's ditch major open space and associated access, landscaping, car parking and associated works. - Outline application for residential (C3) and employment development (B1 (a), (b), (c)) and associated access, landscaping, car parking and associated works (all matters reserved except access).	Approved	08.06.2017
17/00722/ADV	Proposed totem sign at entrance to Brook Park West.	Approved	23.06.2017
17/01223/ADV	Installation of freestanding 8 metre totem sign.	Approved	31.08.2017
17/01225/ADV	Installation of 6no. fascia signs.	Approved	31.08.2017
17/01226/ADV	Installation of site signage to include, 1no. gateway, 9no.	Approved	31.08.2017

	freestanding, 1no. side by side directional, 1no. banner unit, and 16no. dot signs.		
17/01241/OUT	Variation of condition 21 of planning permission 16/01250/OUT - To amend the store design.	Approved	26.10.2017
17/01411/DISCON	Discharge of condition 09 (Construction Method Statement) and 13 (Ecological Management Plan) of planning permission 16/01250/OUT.	Approved	26.10.2017
17/01579/TELLIC	The installation of 1no. AC Electricity Generator enclosed within a weatherproof acoustic equipment housing enclosure with dimensions 1.75m long x 0.94m wide x 1.15m high. Concrete plinth, duct/s, cabling and ancillary development thereto.	Determination	02.10.2017
17/01589/DISCON	Discharge of Condition 15 (Hard and Soft Landscaping) of Planning Permission 16/01250/OUT.	Approved	23.10.2017
17/01612/DISCON	Discharge of condition 3 (Programme of Archaeological Evaluation Work) of approved planning application 16/01250/OUT.	Approved	26.10.2017
17/01879/ADV	Proposed advertisements are:- 1 no. wall mounted fascia sign, 3 no. building mounted hoardings, 2 no. free standing totem signs, 1 no. poster display unit, 1 no. free standing arrow sign, 4 no. free standing hoardings and 1 no. goalpost fascia sign.	Approved	04.01.2018
18/01568/ADV	Relocation of the freestanding 8m totem sign, approved under 17/01223/ADV.	Approved	13.11.2018
19/00068/ADV	3 No. internally illuminated wall mounted signs with sequential LED lighting 'A' 'B' 'C' and 1 No. internally illuminated freestanding totem with sequential lighting 'D'.	Approved	22.02.2019
19/00069/ADV	4 No. internally illuminated 400mm cap individual LED letters with halo illumination fitted direct to wall 20mm stand off fixings signs 'A' 'C' 'E' 'G', 3 No. internally illuminated	Approved	22.02.2019

	single sided circular pictorial panels 'B' 'D' 'F', 2 No. externally illuminated double sided twin posts sign 'H' 'I' and 1 No. internally illuminated single post sign 'J'.		
19/01397/ADV	Proposed 1no. double sided freestanding illuminated billboard panel.	Approved	19.11.2019
19/01890/FUL	Proposed road connecting the northern access of the residential site with T Grove to the east at Brook Park West.	Current	
19/01920/ADV	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Current	
19/01945/DETAIL	Approval of reserved matters (relating to appearance, landscaping, layout and scale) for 200 dwellings pursuant to the residential development referred to within condition 31 of planning permission 18/01616/OUT at Brook Park West.	Current	
19/01920/ADV	Proposed installation of 4 No. new digital freestanding signs and 1 No. 15" digital booth screen.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN18A Advertisement Control in Conservation Areas

TR1A Development Affecting Highways

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

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

SPL3 Sustainable Design

PPL3 The Rural Landscape

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

The proposal

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

Sign 1 :

3 x double digital menu boards 2.2 metres in overall height from the ground, with internally illuminated 1.4 x 1.6m menu panels.

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 collection booth on western side of building

Site Description:

McDonalds drive-thru restaurant at the Brooks Retail Park, Clacton.

Assessment

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

Visual amenity

The proposed new signage is part of a nationwide upgrade of drive-thru signage for McDonald's restaurants. The 4 free standing signs/menu panels are not considered to cause an adverse impact on visual amenity as they replace existing menu signs which are similar in number and position but taller than the proposed. Thus no concerns are raised.

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. Please note the ECC comments for 600 candelas relates to the freestanding signs only, not to the 15" LCD screen.

Other considerations:

No representations received.

6. Recommendation

Approval – Advertisement Consent

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 development hereby permitted shall be carried out in accordance with the following approved plans:

301A, received 18th December 2019

Sign 1 Double Digital Board, received 18th December 2019

Sign 2 Digital Menu Board, received 18th December 2019

Sign 3 Reconnect Screen Details, received 18th December 2019

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The maximum luminance of the 4 free standing signs (Double and Single Digital Menu Panels) 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.

- 4 The maximum luminance of the proposed the 15" LCD Reconnect Booth Screen Display 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.

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

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