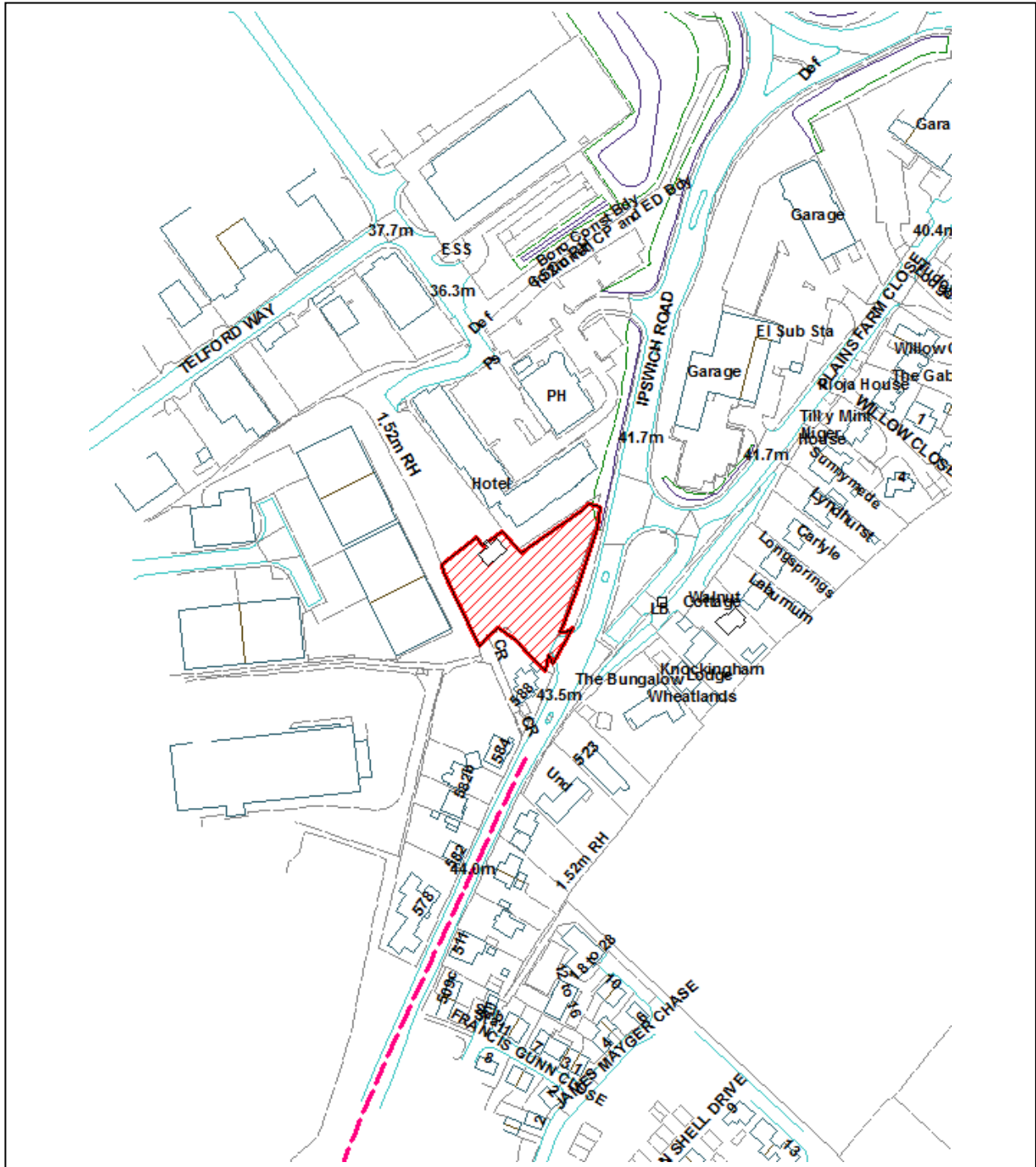


# PLANNING COMMITTEE

28 MARCH 2018

## REPORT OF THE HEAD OF PLANNING

### A.2 PLANNING APPLICATION - 17/02136/FUL & 17/02119/ADV - THE COTTAGE SITE, IPSWICH ROAD, COLCHESTER, CO4 9HB



DO NOT SCALE

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<b>Application:</b>	1). 17/02136/FUL 2). 17/02119/ADV	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Mr William Barker - KFC UKI	
<b>Address:</b>	The Cottage Site Ipswich Road Colchester	
<b>Development:</b>	<p>1). Development of currently vacant site by way of the erection of single storey building for mixed A3/A5 use incorporating a drive thru lane, car and cycle parking and associated landscaping and boundary treatment.</p> <p>2). Proposed illuminated &amp; non-illuminated elevational signage &amp; freestanding signage.</p>	

## 1. Executive Summary

- 1.1 These applications have been called in by Councillor Neil Stock for the following reasons:-
- The fast food restaurant and drive-through aspect of the application are completely inappropriate and unacceptable for that location.
  - The impact on the amenity and general quality of life of existing residential properties will be substantially damaged by the cooking smells, highway activities and noise disturbance.
  - This is an extremely busy and congested highway any use of that site should not be allowed to place a significant increase onto the road in terms of access and egress movements.
- 1.2 The planning application proposal relates to the erection of a fast food restaurant and drive-through including associated parking, delivery bay, footpaths and landscaping. The advertisement consent concerns illuminated signage to the proposed building, an illuminated totem sign to the front of the site and various information/direction signs within the site.
- 1.3 The site was previously the subject of an approved planning application in 2009 for a car showroom with associated offices and servicing areas (Ref: 08/00046/FUL). Works to the site access and the discharge of related planning conditions have ensured that this permission has now been implemented and remains live.
- 1.4 In December 2012, a planning application (ref. 12/01411/FUL) and associated advertisement consent application (ref. 12/01412/ADV) was submitted proposing the erection of a fast-food restaurant and 'drive-thru' (mixed A3/A5 use) with associated access road, parking for cars, cycles and motor-cycles, delivery bay, footpaths and associated landscaping, whilst the advertisement consent application proposed both elevational and freestanding internally illuminated signage.
- 1.5 Following the Council's failure to determine either planning application ref. 12/01411/FUL or associated advertisement consent application ref. 12/01412/ADV, within the statutory timescales, non-determination appeals were submitted to the Planning Inspectorate. In May 2014, both the planning appeal (ref. APP/P1560/A/13/2203099) and the associated express advertisement consent appeal (ref. APP/P1560/H/13/2203196) were determined by the Planning Inspectorate. Whilst the advertisement consent appeal was allowed, the planning appeal was dismissed. The sole reason for the dismissal of the planning appeal relating to the application was that the proposal was considered to significantly harm the living

conditions of the occupants of Lion and Lamb Cottage, due to the noise and disturbance associated with the day-to-day operations of the proposed development.

- 1.6 It is important to note that whilst the description of the 2012 proposals is similar to what is now proposed, both the site area and layout, as well as the positioning of the proposed building, are now significantly different to the earlier applications. In Officer's view the re-location of the restaurant unit, the re-configuration of the parking layout and the provision of a robust landscaping buffer is considered to overcome the planning inspector's previous concerns.
- 1.7 The application site is located within a defined development boundary and is not allocated for any specific use within either the adopted Tendring District Local Plan (2007) or the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). As such the use of the site for the erection of a fast food restaurant/drive-thru is not contrary to any policy regarding a specific land use allocation.
- 1.8 The development proposal is considered to be sequentially preferable and would not have an adverse impact upon the health and vibrancy of Colchester Town Centre.
- 1.9 The proposals are found to be acceptable in terms of their impact on the character and appearance of the local area.
- 1.10 Matters of design, layout and highway safety are also considered acceptable, having regard to all other material planning considerations.
- 1.11 The impact of the proposals in terms of noise, light and odour pollution on nearby residents/hotel users have been fully assessed in conjunction with the Council's Environmental Health Officers, and are considered to be acceptable and would not have a significant adverse impact on residential amenity.
- 1.12 Officers consider that the planning application and the advertisement consent are acceptable and that conditional planning permission and advertisement consent should be granted.

**1) 17/02136/FUL**

**Recommendation:** Approve

**Conditions:**

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Samples and/or details of construction materials to be submitted and agreed
4. Implementation of the approved landscaping scheme (Replacement of any plants dying or damaged over a 10 yr period)
5. Restriction of opening hours to 0600-2300 (Mon-Sun)
6. Restriction to delivery hours between 0800-1900
7. Details of extraction equipment and noise attenuation/limit/ and maintenance
8. Laying out of parking area/bicycle storage prior to opening
9. Erection of acoustic fencing prior to first use
10. Ordering system volume survey/time restriction
10. Litter management scheme
11. Secure sensitive lighting scheme
12. Details of wheel and underbody cleaning during construction to be provided
13. Visibility Splays 2.4m x 90 in both directions to access
14. Access routes within the site constructed to 6m in width

15. No gates at entrance
16. No unbound materials in first 20m of access
17. Turning and serving facilities provided prior to first use
18. Details of powered two wheelers parking areas
19. No dig technology used for surfaces within RPA's of Oak Trees
20. Details of tree protection measures
21. CCTV scheme
22. Details of lighting scheme including the provision of light shields to the columns
23. Restriction on hours of construction work
24. Restriction on time period for site clearance
25. Compliance with drainage strategy

## **2) 17/02119/ADV**

**Recommendation** - Approve

### 1. Advertisement Conditions (5 Standard)

- No advertisement is to be displayed without the permission of the owner of the site
- 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.
- 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.
- 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.
- 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.

2. Development to be carried out strictly in accordance with submitted plans
3. Maximum Luminance of any signage shall not exceed 300 Candelas per square metre (300 cd/m<sup>2</sup>)
4. Illuminated signs to be switched off when restaurant/drive-thru is closed to the public

## **2. Planning Policy**

### National Policy:

The National Planning Policy Framework  
National Planning Policy Guidance

### Local Plan Policy:

### **Tendring District Local Plan (2007)**

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development To Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- ER2 Principal Business and Industrial Areas
- ER7 Business, Industrial and Warehouse Proposals
- ER16 Tourism and Leisure Uses

ER32 Town Centre Uses Outside Existing Town Centres  
 COM1 Access for All  
 COM2 Community Safety  
 COM20 Air Pollution/Air Quality  
 COM21 Light Pollution  
 COM22 Noise Pollution  
 COM23 General Pollution  
 EN6a Protected Species  
 EN18b Advertisement Control  
 TR1a Development Affecting Highways  
 TR1 Transport Assessment  
 TR3a Provision for Walking  
 TR5 Provision for Cycling  
 TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth  
 SPL2 Settlement Development Boundaries  
 SPL3 Sustainable Design  
 PP1 New Retail Development  
 PP2 Retail Hierarchy  
 PP5 Town Centre Uses  
 PP6 Employment Sites  
 PPL1 Development and Flood Risk  
 PPL4 Biodiversity and Geodiversity  
 PPL5 Water Conservation, Drainage and Sewerage  
 CP1 Sustainable Transport and Accessibility

**Local Planning Guidance**

Essex County Council Car Parking Standards - Design and Good Practice

**Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. 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 216 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.

**3. Relevant Planning History**

00/00750/FUL	Erect car showroom, display of used cars for sale, formation of altered access to Ipswich Road (with consequent improvements to the highway) all in connection with	Approved	02.06.2003
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car dealership (Lexus Marque)

90/01116/OUT	Development of site for office building with related car parking and construction of access to Ipswich Road	Refused	10.01.1995
99/01471/LBC	Complete demolition	Approved	07.03.2000
90/01116/LBC	Development of site for office building ( 4,500m2 ) with related car parking and construction of roundabout	Approved	10.01.1995
90/00039/LBC	Demolition of cottage	Approved	09.04.1991
08/00046/FUL	Erection of car showroom, MOT facility and workshops, display of new and used cars for sale and alterations to access onto Ipswich Road.	Approved	23.06.2009
12/01411/FUL	Erection of fast food restaurant and drive-thru with associated access road, parking for cars, cycles and motor cycles, delivery bay, footpaths and landscaped areas and change of use to A3 and A5.	Non-Determination Appeal - <b>Dismissed</b>	02.09.2013
12/01412/ADV	Illuminated projecting fascia signage and applied signage to fast food restaurant building. Illuminated blade totem sign adjacent to access road. 2 no. applied lettering signs to building, 1 no. applied logo vinyl graphic, 1 no. blade totem sign and 8 no. site direction/information signs.	Non-Determination Appeal - <b>Allowed</b>	02.09.2013
13/00625/FUL	Change of use to vehicle hire with modular building and canopied wash-bay.	Approved	18.09.2013
13/00626/ADV	Proposed 3 fascia signs and 1 pole sign.	Approved	18.09.2013
15/00241/FUL	Erection of 14 dwellings.	Approved	22.08.2016
17/02119/ADV	Proposed illuminated & non-illuminated elevational signage & freestanding signage.	Current	
17/02136/FUL	Development of currently vacant site by way of the erection of single storey building for mixed A3/A5 use	Current	

incorporating a drive thru lane, car and cycle parking and associated landscaping and boundary treatment.

#### 4. Consultations

Tree & Landscape Officer	<p>The main body of the land has been cleared of all significant vegetation.</p> <p>There are however two Oak trees that may be affected by the development proposal. Both are situated on, or close to, the western boundary of the application site.</p> <p>It may not be necessary for the applicant to submit a detailed Tree Survey and Report however the applicant should provide information to show how these trees will be physically protected for the duration of any planning permission that may be granted. This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.</p> <p>It will be essential to ensure that the car park surfacing within the Root Protection Area (RPA) of the trees will be constructed using no dig technology.</p> <p>In terms of the soft landscaping proposal the applicant has submitted details of new planting intended to both screen and enhance the appearance of the development. Taking into account the location and future use of the site it will be important to secure a robust and comprehensive scheme to both partially screen and enhance the appearance of the development</p> <p>The proposed changes to the soft landscaping to include more trees is desirable and will, in my view, strengthen the landscaping proposals.</p> <p>My concerns regarding the durability of some of the species including in the scheme remain; especially in relation to the Ceanothus, which simply does not survive the winter in this district and Anemanthele lessoniana which is recognised as a short lived species. Nevertheless as the landscape architect is confident in their proposal I suggest that the period within which replacement of plants that have failed should be carried out should be extended from the usual 5 year period to something in the region of 10 years.</p> <p>In this way the Council would be able to secure replacement planting for the foreseeable future.</p>
Building Control and Access Officer	No comments
Environmental Protection	<p>Following your consultation and further information submitted by the agent I have the following comments to make.</p> <p>In terms of noise the assessment and levels I have no adverse comments to make relating to the parking and movement of customers vehicles on site.</p>

In terms of the noise levels from commercial deliveries and collections from the site I ask that a condition is imposed to restrict the delivery vehicles accessing the site prohibiting them between 2300 and 0700 to protect the existing amenity.

There may need to be further assessment for the food ordering system and controls put in place to limit the volume if these cause nuisance to the hotel.

I am satisfied from the agents reply that the lighting proposed can be shielded if required to prevent nuisance once it is in operation This needs to be conditioned please.

Please condition that the extraction equipment is installed in line with the submitted plans and maintained as required in the manufacturer's recommendations.

If the lighting is to be altered in any way, a new assessment will be required. Reason to protect the existing amenity.

Food Health and Safety

No comments.

Waste Management

No comments.

Ardleigh Reservoir  
Committee

No comments received.

Colchester Borough Council

Colchester Borough Council objects to the proposal for the following reasons:

- This scheme will result in numerous vehicle movements close to the neighbouring dwelling. The access road and parking area forms an L-shape around the neighbours' garden which will result in situations of noise from car movements and car door opening and closing close to the neighbours windows and private amenity area, including their sitting out area.
- This issue is exacerbated as the proposed A3/A5 use is looking to open between 6.00am and 11pm weekdays, weekends and on Bank Holidays. This means the noise and disturbance will encroach into the neighbouring resident's sleep time every day of the year.
- The new position of the proposed building is a retrograde step in design terms. Whereas it was previously set well back in the site, it has been brought forward and rotated so will have a far greater street presence. Much of the flank will now be highly publically visible. The design is a bland, go-anywhere box which will not enhance the area.
- Loss of residential in respect of the current extant permission for 14 dwellings on the site.
- Request archaeological conditions included on any approval due to likely finds in the locality.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and taken regard to the following aspects;

1) The principle of development on this site has been set for a number



of years with both commercial and residential proposals being permitted albeit not implemented.

2) Therefore, an intensification in traffic associated with the site has already been accepted and highway infrastructure improvements have already been realised; new right turn lane, new footway facilities, thus catering for the increase in traffic.

3) The previous application for a garage and MOT centre limited access onto Ipswich Road to light vehicles and, whilst this proposal will generate an occasional larger vehicle, this will be outside the normal peak flow times and therefore the level of conflict is not thought to be severe.

Having regard to the above this Authority does not wish to raise an objection subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway.
- Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- Prior to occupation of the development the area within the site identified as a loading/servicing bay shall be provided clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.
- No unbound material shall be used in the surface treatment of the vehicular access within 20 metres of the highway boundary.
- Prior to the first occupation of the development, the proposed access routes within the site shall be constructed to a width of 6 metres to the satisfaction of the Local Planning Authority.
- At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.
- There shall be no discharge of surface water onto the highway.
- Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority.
- Prior to the first use of any external lighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays with a clear minimum distance of 6m between rows of spaces.
- Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.
- Prior to the commencement of the development the details of

the amount, location and design of cycle/powered two wheeler parking facilities shall be submitted to and approved in writing by the Local Planning Authority.

Essex Wildlife Trust

No comments received.

Highways England

Offer no objections to the development.

Natural England

**Statutory nature conservation sites – no objection**

Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Bullock Wood SSSI has been notified.

### **Impact on Protected Species**

No comments/objections

## **5. Representations**

5.1 Ardleigh Parish Council strongly objects to this application. The Council considers that the proposed development is totally inappropriate for the location and would contravene all the guidelines in the Ardleigh Village Design Statement.

The Parish Council has the following serious concerns;

- The development will cause increased traffic movements in and out of the site from early morning to late at night. This section of Ipswich Road already has a large number of entrances.
- The quantity of vehicles using Ipswich Road will increase substantially in the near future with the proposed development of over 200 residential units at the former Betts site and a further 120 units still to be built. Traffic congestion and flow here is a major problem.
- Coming from the Colchester direction, the entrance to Westpark is just round a corner, a blind spot and potential traffic accident spot.
- A fast food outlet will cause a continuous high level of noise, from traffic and customers, which will start very early in the morning and continue until late. This is unacceptable to what is now a considerable residential area.
- The smell and litter which will come from the food waste is likely to result in a certain number of vermin, foxes and rats being attracted to the site. Litter is a major problem and the parish council has a continual battle with litter as it blows along road sides.
- Light pollution is bound to be high from the building itself, the signs and the traffic. This is unacceptable for the residents of Plains Farm Close and Ipswich Road.
- The vicinity of Lion & Lamb Cottage which is adjacent. The vehicle entrance and exit to the outlet is close the boundary and car parking is also planned to that side of the unit close to the cottage. The constant noise from slow traffic, reverse parking, car doors closing and people speaking will be significant.
- There is no proven need for another food outlet at this location. It is evidenced that there are better location away from residential areas.

- 5.2 The planning application (Ref: 17/02136/FUL) has received a total of 24 objections.
- 5.3 The advertisement consent application (Ref: 17/02119/ADV) has attracted 3 objections.
- 5.4 The salient points of the objectors' representations are summarised as follows:

- Impact upon residential amenity in respect to odours, noise and light pollution;
- Fast food restaurant out of keeping in this location;
- Highway safety concerns/congestion;
- Litter concerns;
- Loss of development of 14 houses on the site;
- Community Safety/Anti-Social behaviour;
- Incompatible use adjacent to residential properties;
- Impact upon residents staying at adjacent hotel;
- Totem sign too large and visually intrusive.

- 5.5 Letter from Walsingham Planning representing Whitbread Group Plc outlining the following objections;

- Loss of housing;
- Noise and disturbance to neighbouring occupiers including hotel users. The windows to the hotel on this elevation are openable. Noise assessment only considers the impact on users with windows closed;
- Adverse noise from servicing of the unit and the ordering system;
- Impact upon air quality for users of the hotel;
- Adverse cooking odours from units;
- Bin store should be covered and a litter management plan should be implemented;
- Adverse impact upon the hotel – all issues noted above would seriously harm the amenity of hotel users.

## 6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal details;
- Planning History
- Policy issues;
- Sequential Test/Sustainability Considerations
- Design/Layout;
- Residential Amenity;
- Highway Issues;
- Ecological Concerns
- Drainage; and,
- Advertisement Consent.

### **Site Context**

- 6.1 The application site is located on the western side of Ipswich Road on the outskirts of Colchester. To the north of the site is an existing Premier Inn Hotel, to the south and east are residential properties and to the north-west is Severalls Industrial Estate. Directly to the west of the site is a large commercial building owned by Royal Mail. The area is characterised by a mixture of residential properties in Plains Farm Close and commercial

premises i.e. car showrooms, hotel and public house. The site is located within a Defined Settlement Boundary in both the saved and emerging local plans.

- 6.2 The side and rear boundaries to the site are identified by thin hedgerows and some mature Oak and Beech trees. The south and north eastern boundaries, at the frontage of the site consist of close boarded fencing with some hedge planting and form the boundary lines to the side and rear of the Lion and Lamb Cottage, which is a residential property located directly to the south of the site.
- 6.3 The site is currently vacant, and has remained so for many years following the demolition in the 1990's of the previous residential property, known as the Cottage, which was a Grade II listed building. Following that demolition the site was very overgrown, but following the implementation of a vehicular access into/out from the site in 2012 the site has largely remained cleared yet otherwise undeveloped.
- 6.4 Ipswich Road (the A1232) runs in an approximately north-east to south-west direction, leading into the town centre of Colchester to the south-west (approximately 2.5 miles from the site), whilst approximately 400 metres to the north-east is junction 29 of the A12 London to Lowestoft Road, with this junction linking the A12 with the A120 road (leading to both the port of Harwich and the resort of Clacton-on-Sea).
- 6.5 The closest bus stops to the site are located approximately 230 metres to the north-east of the existing vehicular entrance into the site, with those stops known locally as Balkerne Gate. The site is situated approximately 850 metres east from National Cycle Network Route 1, which runs along Severalls Lane connecting the towns of Ipswich and Colchester.

### **Proposal Details**

- 6.6 This application seeks to develop this vacant site with a fast food restaurant incorporating a drive-through together with service access road, car parking, cycle facilities to serve the proposed development. The change of use would bring the site into A3 (Restaurant) and A5 (Hot Food Takeaway) use. The opening hours proposed are 06:00-23:00 Monday to Sunday and the unit is envisaged to employ approximately 45 staff comprising of both full-time and part-time roles.
- 6.7 The restaurant proposed for this site would have a gross internal floor area of 208m<sup>2</sup> and would consist of a single storey building with flat roof. The building in the main would measure 11.7m wide by 23.7m long and 5.3m in height.
- 6.8 Access into the site will be off Ipswich Road. A new road junction on Ipswich Road to serve the site and Plains Farm Close has recently been completed. This junction and the associated right hand turn and pedestrian crossings were approved under planning permission ref: 08/00046/FUL.
- 6.9 The building would be positioned at an angle to the road to replicate the orientation of the Premier Inn building to the north. At its closest point the building would be situated 13m back from the Ipswich Road carriageway and 28m back at its furthest point. The building would retain a 15m gap to the Premier Inn hotel to the north and 24m to the side boundary of Lion & Lamb Cottage to the south.
- 6.10 The proposed drive-through encircles the proposed building, with traffic circulating around the building in a clockwise direction, with drivers placing their orders shortly after entering the drive-through lane and then collecting their orders from the opposite side of the building. The drive-through lane, has been designated for both large cars and a 12-seater minibus vehicle to utilise, and can accommodate up to 10 cars between the start of the drive-through lane and the collection window.

- 6.11 A total of 31 car parking spaces, including 2 disabled spaces and 2 'grill-bays', are proposed within the curtilage of the site, together with 8 cycle parking spaces by way of 'Sheffield stands' positioned close to the entrance of each unit.
- 6.12 The application is also accompanied by a Delivery & Servicing Plan prepared by mode transport planning, and that document sets out how that unit will be serviced with vehicles no larger than 12 metre rigid HGV's, with typical frequencies of 3 times per week, taking place outside of peak trading (mid-morning). Servicing will take place in a dedicated area adjacent to the proposed main building.
- 6.13 Refuse storage, including recycling facilities, will be provided within dedicated refuse storage areas, both within the yard area of the proposed building and within a separate detached building close to the northern boundary of the site, accessed from the rear of the proposed main building.
- 6.14 The development also incorporates new boundary treatment including, a low post and rail fence along the Ipswich Road frontage of the site, together with two sections of 2.1 metre high acoustic fencing, one section positioned along the north-western boundary of the site (adjacent to the neighbouring Premier Inn hotel) and also along the southern and south-western boundary of the site (adjacent to Lion and Lamb Cottage).
- 6.15 A detailed landscaping scheme has also been proposed. This landscaping focuses primarily upon the Ipswich Road frontage of the site, and also provides a generous landscaped buffer (approximately 5 metres wide) running all along the south and south-western boundary of the site.
- 6.16 The associated advertisement consent ref: 17/02119/ADV proposed various corporate elevational signage to the building and directional signage for pedestrians and users of the drive-through element. The advertisement consent also proposed the erection of a 6.3m high totem sign which is to be illuminated. The height and siting of the totem sign replicates that previously allowed on appeal.

### **Planning History**

- 6.17 In June 2009, planning permission (application ref. 08/00046/FUL) was granted in respect of the application site for the erection of a car showroom, MOT facility and workshops, incorporating the display of new and used cars for sale and alterations to the existing access onto Ipswich Road. That permission was subsequently implemented by way of the alterations to the site access, but no other work pursuant to the granting of that permission has subsequently been undertaken, over 8 years since it was approved.
- 6.18 In September 2013, planning permission (application ref. 13/00625/FUL) was granted for the use of the site for vehicular hire purposes incorporating a modular building and canopied wash bay, but that permission was never implemented and subsequently lapsed.
- 6.19 In December 2012, a planning application (ref. 12/01411/FUL) and associated advertisement consent application (ref. 12/01412/ADV) was submitted proposing the erection of a fast-food restaurant and 'drive-thru' (mixed A3/A5 use) with associated access road, parking for cars, cycles and motor-cycles, delivery bay, footpaths and associated landscaping, whilst the advertisement consent application proposed both elevational and freestanding internally illuminated signage.
- 6.20 It is important to note at this stage that whilst the description of those proposals is similar to what is now proposed, both the site area and layout, as well as the positioning of the proposed building, are now significantly different to the earlier applications.

- 6.21 Following the Council's failure to determine either planning application ref. 12/01411/FUL or associated advertisement consent application ref. 12/01412/ADV, within the statutory timescales, non-determination appeals were submitted to the Planning Inspectorate. In May 2014, both the planning appeal (ref. APP/P1560/A/13/2203099) and the associated express advertisement consent appeal (ref. APP/P1560/H/13/2203196) were determined by the Planning Inspectorate. Whilst the advertisement consent appeal was allowed, the planning appeal was dismissed.
- 6.22 As paragraphs 36 and 49 of that decision confirm, the sole reason for the dismissal of the planning appeal was that the proposal was considered to significantly harm the living conditions of the occupants of Lion and Lamb Cottage, due to the noise and disturbance associated with the day-to-day operations of the proposed development.
- 6.23 In August 2016, planning permission (application ref. 15/00241/FUL) was granted for the erection of 14 residential units (1 x 2 bed flat, 4 x 2 bed houses, 7 x 3 bed houses and 2 x 4 bed houses) on a larger application site of 0.39 hectares in area incorporating both the application site of these new applications and extending beyond the north-western boundary of the current application site.

### **Policy Considerations**

- 6.24 The National Planning Policy Framework (NPPF) contains the Government's planning policies and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. Specific references to relevant sections of the NPPF are referred to in the assessment later in this report.
- 6.25 The site is located within a settlement development boundary in both the saved and emerging local plans and therefore there is a presumption in favour of development in this location. The area immediately in the vicinity of the site is in mixed use including a public house, a hotel, a Royal Mail distribution centre and a collection of car showrooms. The site is not allocated for any particular use in the saved Tendring District Local Plan (2007) or the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) so the use of the site for construction of a fast food restaurant/drive-through is considered to be acceptable in principle.
- 6.26 It should also be noted that, in May 2014, when determining the previous planning appeal for the same commercial use of the site as to what is now proposed, the Inspector stated (within paragraph 20 of her decision notice) that

*"although there are no 'drive-through' restaurants, I consider that the nature of the proposal is compatible with the existing mixed character of the locality which includes several commercial and leisure uses."*

This must also be considered against the backdrop of the previous planning history pertaining to the site, including an implemented planning permission for a car showroom dating back to 2009 and an extant planning permission for housing. As such it is clear that that principle of the development of the site for either commercial or residential use has been established, and either of these planning permissions could still be implemented.

- 6.27 Matters therefore now turn to the detailed aspects of the scheme, which are controlled by a whole host of policies. These policies seek to ensure that proposals are well designed, relate satisfactorily to their surroundings, would not adversely impact upon residential amenity in the locality, are acceptable from a highways perspective and are acceptable in terms of their environmental/ecological impact.

## **Sequential Test/Sustainability Considerations**

6.28 Saved Policy ER32 of the Local Plan (2007) permits town centre uses outside of existing town centres, provided they do not individually or cumulatively, materially harm the viability and vitality of an existing centre. Paragraph 24 of the Framework states that proposals for town centre uses that are not in an existing town centre, and which are not in accordance with an up to date Local Plan should be subject to a sequential test which may identify preferable sites in town centres. Only if suitable sites are not available should out of centre sites be considered.

6.29 The Glossary to the National Planning Policy Framework ('The Framework') confirms that drive-through uses are defined as a town centre use for which the policies of 'The Framework' apply. According to 'The Framework' the proposed site lies within an out of town centre position. Paragraph 24 of 'The Framework' therefore applies, this states;

*'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered'.*

6.30 Planning Practice Guidance Note - 'Ensuring the vitality of town centres' states that the sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

6.31 Therefore, as the proposal involves the development of a main town centre use, not in an existing centre, an updated sequential approach document has been submitted. As part of the previous application a sequential assessment was considered, firstly by the Council, and then on appeal by the Inspector, whom, in her decision notice of May 2014, concluded that due to the historic street pattern of Colchester it was unlikely that any town centre sites would be suitable. Concluding the inspector found that no persuasive evidence to indicate that there are any suitable sequentially preferable locations available to the applicant. The inspector concluding by stating;

*"In the absence of any sequentially preferable sites, I consider the proposal to be environmentally sustainable. It would also be economically sustainable in that it would provide about 45 jobs in the future. I therefore conclude that the proposal would be sustainable development and would not conflict with policy QL2 of the Local Plan which aims to avoid reliance on private cars and promote transport choice."*

6.32 The updated assessment identifies that for any site to be considered in the sequential test it needs to meet the following requirements;

- A broadly level site with a minimum size of 0.3 hectares, configured in such a way to allow a single storey drive-thru building, traffic circulation and parking provision;
- Safe and efficient access to the strategic road network; and
- To be sufficiently prominent to ensure visibility to passing custom.

6.33 With these criteria in mind the updated sequential assessment relooks at those sites previously considered and several new sites. All the sites were assessed in terms of their availability within a reasonable time period, suitability in respect of the applicant's needs

and demands and viability in regard to judging whether there is a reasonable prospect that development will occur on the site.

The sites included in the assessment are;

- 1. Existing KFC, 10 High Street
- 2. Tollgate Retail Park, Tollgate West
- 3. Stanway Retail Park, Peartree Road
- 4. Colchester United FC, United Way
- 5. BP Services, Cuckoo Farm Way
- 6. Betts Site, 505 Ipswich Road
- 7. The Rovers Tye, Highwoods Approach
- 8. Waitrose Supermarket, St Andrews Avenue
- 9. Knowledge Gateway, Elmstead Road
- 10. Cowdray Industrial Estate, Cowdray Avenue
- 11. Turner Rise Retail Park, Turner Road
- 12. Colchester Retail Park, Sheepen Road
- 13. Sainsbury's Supermarket, 1 Western Approach,
- 14. Tesco Supermarket, Greenstead Road
- 15. Colne View Retail Park, Cowdray Avenue
- 16. Wickes, 1 Clarendon Way

- 6.34 Of the previous alternative sites appraised (as listed above) the assessment finds that none have since become either available or more appropriate for the proposed mixed A3/A5 use than the application site, and several have subsequently been approved for residential-led or wholly residential development.
- 6.35 Further sites considered include land around The Maltings and Lightship Way including the existing BBQ store. However, these sites have existing planning permissions and are not visually prominent and do not therefore meet the client's criteria listed above. It must also be noted that these sites are also not within a town centre location.
- 6.36 As such it is concluded that the site is sequentially appropriate for its proposed mixed A3/A5 usage incorporating drive-through facilities, having regard to the nature of the proposed use and its likely customer base, and the absence of any appropriate or available sequentially preferable sites within the area.
- 6.37 Paragraph 26 of 'The Framework' makes it clear that, in the absence of a locally set threshold, schemes with a floor space below 2500 square metres should not be required to provide an assessment of the impact upon viability and vitality of town centres. However, it is considered that due to the nature of the proposal trade is likely to be derived from existing out of centre facilities. The drive-through format is therefore unlikely to result in any recordable trade diversion from food retail facilities present within the surrounding centres, any 'impact' in this respect is consequently anticipated to be negligible.
- 6.38 Turning to matters of sustainability, it is evident that the proposal for a drive-through facility is aimed at competing primarily with other out of centre facilities such as McDonalds at Colchester Leisure World (2.7 miles) and McDonalds at Tollgate Retail Park (6.9 miles). Furthermore, it is highly likely that the expenditure directed to the new facility will already be car bourn, either as a result of commuting journeys; leisure related trips or dedicated trips seeking a drive-through facility. As such, the proposal is not considered to represent a 'trip generator' on its own. In addition, there will be very little trade diverted from the town centre, either in the form of direct competition with other food outlets or secondary impacts via linked trips.



- 6.39 In relation to the accessibility of the site, the National Cycle Network Route (NCN1) runs within Severalls Lane to the rear of the site. Cyclists departing from the rear access would need to ride 850m to reach the NCN1. The closest bus stop (Ardleigh, Balkerne Gate) is within 230m walking distance from the site. Buses operate frequently from this stop largely between Colchester and Ipswich. A further bus stop is located to the south (Colchester Crown Gate), again this stop provides for buses on a frequent basis operating between Monkwick, Highwoods and Colchester Town Centre.
- 6.40 The development of a drive-through restaurant in this location is therefore considered to promote the aims and objectives of sustainability, by meeting an identified need for car borne restaurant facilities in this location off a key distributor road, which is also accessible via public transport facilities.

### **Design/Layout**

- 6.41 Policies QL9 (Tendring District Local Plan 2007) and SPL3 (Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Paragraph 58 of 'The Framework' supports this stance by confirming that development should function well and add to the overall quality of the area.
- 6.42 The existing vacant appearance of the site and its unkempt condition is considered to detract from the overall quality of the street scene in this location. The site is seen within a context of commercial and residential properties which have little or no local distinctiveness. The nearest buildings are ubiquitous in character and include a hotel/public house, a car showroom and storage/distribution depot. The siting of a fast food restaurant in this location would therefore not appear out of character in this location where there is a wide variety of architectural styles and building types.
- 6.43 The restaurant building is to be of a contemporary design and would consist of a steel portal frame construction with insulated cladding panels and a variety of specialist feature finishes including composite panelling and stone textured panels. The building's overall appearance is quite simple in form and would not compete, in a detrimental way, to the character of buildings that surround the application site. The building is located on the edge of an industrial park and is therefore surrounded by many larger double height industrial units on 3 sides. The building would be single storey and is therefore subservient in height to the neighbouring Premier Inn, which is two-storey and has a high pitched roof. As such the building would be predominantly viewed against the backdrop of the larger hotel building sited directly to the north thereby reducing its overall prominence. It must also be noted that the car showroom building, of which the planning permission has been implemented, is a significantly higher and bulkier building than the restaurant building now proposed.
- 6.44 The form and layout of the scheme is clearly heavily influenced by the functional requirements of the proposed drive-through element of the proposal. The access point is fixed and there needs to be space for vehicles to queue around the building so that customers have time to make their choices as they approach the ordering point. As such the building has been set back into the site. This results in the building being less conspicuous in views along Ipswich Road and it being viewed against the backdrop of the larger Royal Mail depot building to the west and the Premier Inn building to the north.
- 6.45 The set back of the building into the site also enables hedging and tree planting, particularly around the entrance to the site and along the boundary with Lion and Lamb Cottage. A robust planting scheme has been provided which includes the planting of several trees along the site frontage and comprehensive hedge and shrub planting eastern and western ends of the site. This further assists in reducing the prominence of the building by softening its overall appearance and enhancing views of the development from Ipswich Road.

- 6.46 Overall the design of the building and the layout proposed are considered to represent an appropriate response to the character and setting of the area. The contemporary design approach taken does not compete in a detrimental manner with the mixed character of buildings in the locality and the development of the site would bring back into use a vacant and unkempt plot.

#### **Residential Amenity/Relationship to Premier Inn**

- 6.47 The previous planning application (ref. 12/01411/FUL) for mixed A3/A5 use on part of the current application site was dismissed on appeal in May 2014 solely on the basis that it was considered to cause harm to the living conditions of the occupants of the nearest residential property, Lion and Lamb Cottage, and that harm would outweigh the benefits of the proposals. In particular within the appeal decision the inspector makes reference to concerns over the proximity of the drive-through circuit and parking spaces to the rear of the rear garden serving the property and noise from car doors and loud voices which would be audible above the general noise level. The inspector concludes by stating that;

*“that due to the hours of operation and the proximity of the parking areas and patio areas to the boundary with Lion and Lamb Cottage, the proposed use would have a significant adverse effect on the quality of life that the occupants of Lion and Lamb Cottage currently enjoy”.*

- 6.48 To address these concerns the proposed building has been relocated so that it is positioned on the northern-most part of the revised application site, between the hotel and the Ipswich Road frontage. Secondly, this relocation also means that the associated drive-through lane is now positioned away from Lion and Lamb Cottage, whereas the 2012 application involved every vehicle using the drive-through lane manoeuvring within 6 metres of the rear boundary of the curtilage of Lion & Lamb Cottage.
- 6.49 Furthermore, the 2012 application proposed 5 car parking spaces virtually adjoining that same rear boundary, and consequently it is recognised that those proposals would have generated a significant level of activity, both in terms of customers utilising the drive-through lane, vehicles parking in the 5 parking spaces adjacent to the rear boundary of Lion and Lamb Cottage, and customers walking between those spaces and the building.
- 6.50 As such the most intensive use of the application site proposed by the 2012 application was immediately to the rear of the Lion and Lamb Cottage. The current proposal relocates this use away from that property, to a more sympathetic position within the site where any impacts are comparable to the existing significant levels of activity in terms of vehicular movements along Ipswich Road which the building will now be close to.
- 6.51 A further revision to this scheme over the 2012 proposal is the provision of a deeper landscape buffer, wrapping around the Lion and Lamb Cottage and comprising of more robust planting. This planting buffer in conjunction with the 2.1m high acoustic fencing will further mitigate against any potential noise emanating from the development.
- 6.52 A further concern of the inspector was that the previously submitted noise assessment did not fully assess the impact of traffic queuing for the drive-through or those turning from Ipswich Road into the site. As stated above the relocation of the drive-through circuit away from the neighbouring property and deeper into the site has largely overcome this matter. Consequently, an updated noise assessment has been provided which concludes the following;
- The rating noise level of fixed plant will be designed and controlled so as to not exceed the existing minimum background noise climate; 45 dB during the daytime and a rating level of 40 dB at night.

- Noise from drive-through operation, use of the external seating area and customer car parking activity would comply with World Health Organisation guidance values and is well below the existing noise climate for operating between 0600 hours and midnight.
  - It is concluded, therefore, that the proposed restaurant with drive-through facilities could trade between 0600 hours and 2300 hrs without associated noise causing significant adverse impact, in accordance with both national and local policy aims.
- 6.53 The assessment also confirms that predicted noise levels from vehicles queuing will be significantly below existing noise levels from road traffic on Ipswich Road and therefore will not cause any impact to residents of Lion and Lamb Cottage.
- 6.54 The Council's Environmental Health Officers have reviewed the noise assessment and have confirmed they have no objections to its findings in respect of the impact upon the residents of Lion & Lamb Cottage. Environmental Health Officers also confirm that shielding to the lighting columns is required to prevent nuisance once in operation. In view of this, full details of the lighting scheme for the development are to be secured through condition. No changes can then be made to the lighting scheme without planning consent being obtained first.
- 6.55 Officers are therefore of the opinion that the significant revisions to the current proposals both address and overcome the concerns of the Inspector who determined the previous planning appeal, including the concerns raised in paragraph 29 of the appeal decision relating to noise from car doors and loud voices associated with both vehicular and pedestrian activity so close to the residential boundaries.
- 6.56 In regard to the impact upon users of the Premier Inn Hotel to the north a technical noise note has been provided in response to the objection received from on behalf of Whitbread Group Plc. The technical note in particular concludes the following;
- That even with windows open, noise levels will be less than existing noise levels and will not cause significant adverse impact to residents of the hotel.
  - That deliveries to the restaurant should be within daytime hours only (7am-11pm) to protect users of the hotel and occupiers of the nearby cottage from adverse noise.
  - Ordering system sound levels should be controlled via time restricted condition.
- 6.57 As to the impact of odours upon amenity, it is intended to install filtration and odour-suppressing equipment to the roof of the building. Indicative details have been supplied as part of the application. These details will be secured via condition. Again, the Council's Environmental Health Officers have reviewed the indicative details and have confirmed that that as long as the extraction equipment is installed, operated and maintained in line with the manufacturer's recommendations the likelihood of a nuisance will be negligible. The planning inspector agreed with this view in the previous appeal decision by stating that the installation of odour control system would avoid any harm to the living conditions of surrounding residents arising from cooking odours.
- 6.58 In respect to litter, it is acknowledged that people sometimes discard packaging and half-eaten food. However, litter bins are proposed to serve the restaurant and KFC operate a litter picking policy which should reduce the likelihood of any nuisance caused by litter dropped by customers. A litter strategy will also be secured by condition.
- 6.59 Taking all the above into account it is not considered that the proposal would result in unacceptable harm to the living conditions of nearby residents, being those adjacent to the site at the 'Lion and Lamb Cottage' or those in Ipswich Road or Plains Farm Close opposite the site. Furthermore, due to the transient nature of residents staying at the adjacent Premier Inn Hotel, the impact of the proposal in terms of noise and odours is negligible. The proposal is therefore considered to accord with saved policies QL10 and QL11 of the

adopted Tendring District Local Plan (2007) and policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### **Highway Safety**

- 6.60 The previous approval pertaining to the site (planning ref: 08/00046/FUL), which related to the erection of a car show room, MOT bay and 6 bay workshop, required that certain highway works took place prior to the commencement of development. These works involved the alteration of the access into the site from Ipswich Road and alterations to Ipswich Road itself including; the formation of a right turn lane, construction of relevant footpaths and works involving the widening of Ipswich Road. These works were produced in consultation Essex County Council Highways.
- 6.61 The highway works have been completed to the satisfaction of the Highway Authority. Consequently a Transport Assessment has been submitted to assess the impact of the proposed development upon highway safety in the vicinity. The access statement concludes that the completed highway improvements to the Ipswich Road and Plains Farm Close junction, to allow access to the 2009 consented car showroom development would also be adequate to serve the development proposal for a fast food restaurant/drive-through facility. The assessment concludes by stating that an assessment of the site access junction operation has been undertaken and demonstrates that the site access would operate within theoretical capacity during all surveyed periods. The assessment work undertaken has indicated that there would not be demonstrable harm arising from the proposed scheme and there are no identifiable severe impacts. Therefore, there are no traffic and transport reasons why the development should not be granted planning consent.
- 6.62 Supporting this conclusion it is also important to note that in the May 2014 appeal decision, the Inspector concluded that;
- “the proposal would not have a harmful effect on highway safety and would comply with policy QL10 of the Tendring District Local Plan 2007 in that the highway network would be able to accommodate the additional traffic generated by the proposal.”*
- 6.63 Essex County Council Highways support this view and have no objections to the development providing, amongst other requirements, that a wheel washing facility is supplied on site, the parking and access is provided as shown on the plans prior to opening of the unit, cycle storage is provided, no gates provided at the entrance and no unbound materials used in the first 20m of the access road. These requirements will both be secured via planning condition.
- 6.64 The Highway Agency has also confirmed that they have no objection to the development proposals.
- 6.65 In regards to parking provision, the scheme provides for 31 no. car parking spaces (including 2 no. mobility impaired spaces and a bicycle parking zone. The split of A3 (Restaurant) use and A5 (Takeaway use) means that a total provision of 26 no. spaces are required for the proposal, this is based on a floor area of 208m<sup>2</sup>. As such the parking provision is comfortably in accordance with the Council's adopted Car Parking Standards.

### **Ecological Concerns**

- 6.66 An extended phase 1 habitat survey (preliminary ecological assessment) has been submitted and concludes that the proposed development site can be considered to be of low overall ecological value. The survey area comprises of emergent scrub land between extensive areas of ruderal vegetation across the majority of the site. In addition, the site is effectively an 'island' surrounded by development and infrastructure, thus offering negligible

potential protected species habitat. It is considered that no protected species would be adversely impacted by the development proposals.

- 6.67 Notwithstanding the above, appropriate recommendations/due diligence in respect of nesting birds and ecological enhancements are provided within the report. These relate to sensitive lighting and vegetation clearance timings. These will be secured via condition.
- 6.68 The Council's Tree Officer has confirmed that two Oak trees may be affected by the development proposal. Both are situated on, or close to, the western boundary of the application site. He has therefore recommended that a condition is attached to ensure that the car park surfacing within the Root Protection Area (RPA) of the trees will be constructed using no dig technology.

### **Drainage**

- 6.69 A drainage strategy has been submitted which confirms that surface water will be dealt with heavy duty buried attenuation tanks with the capacity to cater for 1 in 30 yr storm conditions. Foul water will be carried off site via a connection to the existing sewer within Ipswich Road.

### **Advertisement Consent – 17/02119/ADV**

- 6.70 The proposed projecting fascia signage, illuminated blade totem sign, 2 no. applied lettering sign to the building, 1 no. applied logo vinyl graphic, 1 no. blade totem sign and 8 no. site direction/information signs are to be sited on and around the proposed fast food restaurant. The illuminated blade totem sign is to be located adjacent to the site access at the front of the site.
- 6.71 For advertisement consent the only issues that can be considered are amenity and public safety.

### **Amenity**

- 6.72 The signage to the building would not be unduly prominent within the street scene due to the setback nature of the proposed building and the presence of other signage within the vicinity. Furthermore, the signage would respect the character of the area in terms of their size, position, colouration and materiality.
- 6.73 The various freestanding internally illuminated signs within the application site would provide direction to both vehicular traffic and pedestrians. These structures take their design cues from the materials and colours which characterise the proposed elevational appearance of both buildings and therefore complement the overall appearance of the application site.
- 6.74 The illuminated totem blade to the front of the site would be fairly prominent due to its height of 6m. However, there are other similar signs in the locality, in particular to the north at the Table Table Public House. The sign is also set back from the edge of the carriageway by some 8m which further reduces its prominence in views along Ipswich Road. Although illuminated this would be confined to the lettering and logo and as such would not over accentuate its presence at night.
- 6.75 It must again be noted that the advertisements were allowed on appeal previously by the inspector in 2014. The size and siting of the adverts applied for now remain as previously proposed.
- 6.76 Further, the signage is considered to be sited far enough away from the adjacent residential property (26m) not to cause an adverse impact upon the residents in terms of light pollution.

The Council's Public Experience (Environmental Health) department have not raised any concerns in this regard.

- 6.77 To further reduce the impact of the illumination upon residents in the locality a condition will be attached to the permission ensuring that the illumination of the signage is switched off when the premises are closed to the public.

As such there is no significant harm to local amenity that would warrant a refusal.

#### Public Safety

- 6.78 Essex County Council Highway raise no objections to the development providing the luminance level of the signage proposed does not exceed 300cd/m<sup>2</sup> and any light source is suitably shielded to avoid any glare to users of the highway. These requirements will be secured via condition and ensures that the illuminated adverts would not adversely impact upon public safety.

#### Background Papers

None