

PLANNING APPLICATION B/20/0427

Planning Application:

Advertisement Consent for the installation of
1 no. Internally illuminated Freestanding Totem Sign

Location:

Land between Swineshead Road and
Wortley's Lane, Wyberton, Boston, PE21 7JF

Applicant:

McDonald's Restaurants Limited

BOSTON BOROUGH COUNCIL

Planning Committee – 9th March 2021

Reference No: B/20/0427

Expiry Date: 28-Dec-2020
Extension of Time: 05-Feb-2021

Application Type: Advertisement Consent
Proposal: Advertisement consent for the installation of 1no. Internally illuminated Freestanding Totem Sign

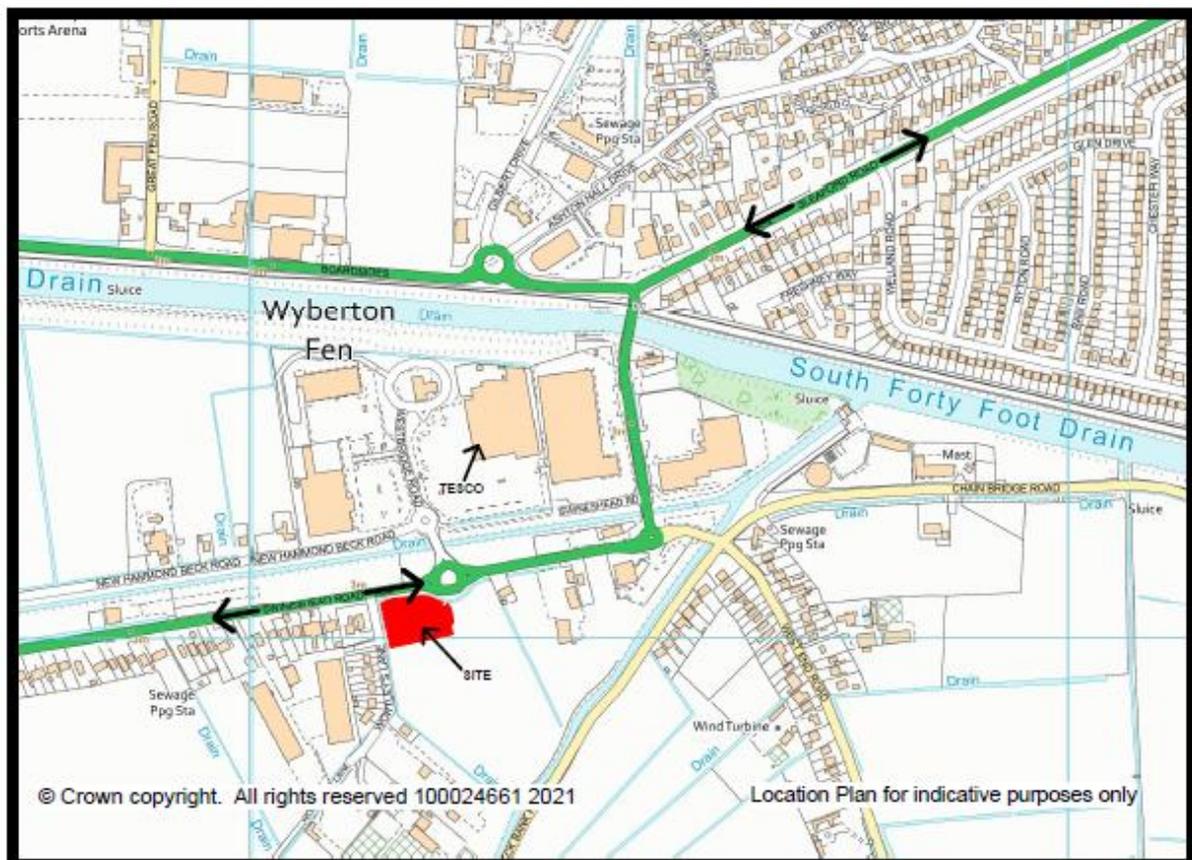
Site: Land between Swineshead Road and Wortley's Lane, Boston, PE21 7JF

Applicant: McDonald's Restaurants Limited
Agent: Mr Ben Fox, Planware Ltd

Ward: Wyberton Parish: Wyberton Parish Council

Case Officer: Simon Eldred Third Party Reps: None received

Recommendation: GRANT Advertisement Consent



1.0 Reason for Report

- 1.1 This item has been called in for consideration by the Planning Committee by Councillor Richard Austin, who states that the reasons for the call-in are *“safeguarding of route for distributor road, tail backs onto public road, lack of footpath on West End Road and litter issues.”*
- 1.2 As this application is directly linked to B/20/0432 which is for the main restaurant development, it is considered that this advertisement application (along with others of a similar nature which have been submitted concurrently) should be reported to the Committee to allow the proposals to be considered comprehensively.

2.0 Application Site and Proposal

- 2.1 The application site is located to the south of Swineshead Road and east of Wortleys Lane, Boston. It consists of part of a larger agricultural field (uncultivated at the time of the site visit). It is located in a part of the Borough where uses are very mixed, with:
- To its west, dwellings (off both Wortleys Lane and Swineshead Road), and industrial premises (which are allocated in the Local Plan for residential redevelopment);
 - To its north, dwellings under construction on the northern side of Swineshead Road and (beyond the New Hammond Beck Drain) edge-of-town retail premises;
 - To its east, the remainder of the agricultural field, scattered dwellings, a farm shop, a business selling garden buildings, two public houses, and land on which planning permission is currently being exercised for the construction of a drive-thru coffee shop; and
 - To its south, the remainder of the agricultural field, scattered dwellings, and land on which planning permission is outstanding for the construction of further dwellings.
- 2.2 The application seeks advertisement consent for the erection of a freestanding totem sign in a location approximately 11m from the edge of Swineshead Road’s carriageway, and approximately 28m from the edge of Wortleys Lane’s carriageway. The sign will consist of an aluminium post (12m in height), in a timber-effect colour, with vertical lines of a dark-olive colour, which will carry:
- At approximately 7.4m above ground-level, a sign to both sides (0.87m x 1.92m) with a dark-olive coloured background and an internally-illuminated ‘drive-thru’ logo and text in white and yellow;
 - At approximately 8.5m above ground-level, an unilluminated sign to both sides (1.28m x 1.92m) in a timber-effect colour; and
 - At approximately 9.9m above ground-level, a sign to both sides (1.667m x 1.92m) with a dark-olive coloured background and an internally-illuminated ‘golden arches’ logo in yellow.

3.0 Relevant History

- 3.1 The site has no relevant planning history, but is affected by three further applications which are the subjects of reports to this meeting of the Planning Committee, namely:
- B/20/0428 – Application for Advertisement Consent for the installation of 10 internally illuminated signs;
 - B/20/0429 – Application for Advertisement Consent for various site signage; and
 - B/20/0432 – application for full Planning Permission for the erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works.

4.0 Relevant Policy

South East Lincolnshire Local Plan

- 4.1 The South East Lincolnshire Local Plan 2011-2036 shows the application site as being within the Countryside, immediately adjacent to Boston's Settlement Boundary and within the Safeguarding Corridor. Land to the west of the application site (on the opposite side of Wortleys Lane) is identified as Housing Allocation Wyb013 where 85 dwellings are expected to be built. The relevant Policies are:
- Policy 2: Development Management;
 - Policy 3: Design of New Development; and
 - Policy 29: The Historic Environment.

National Planning Policy Framework

- 4.2 At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:
- Section 12: Achieving well-designed places; and
 - Section 16: Conserving and enhancing the historic environment.

Planning Practice Guidance

- 4.3 The provisions of the Planning Practice Guidance category entitled 'Advertisements' are relevant, especially paragraphs 067 to 079.

5.0 Representations

- 5.1 No representations have been received as a result of publicity.

6.0 Consultations

- 6.1 Cadent Gas identifies that there are high or intermediate pressure gas pipelines and associated equipment in the vicinity of the application site, but does not object as the proposal will not affect these pipelines.
- 6.2 The Health and Safety Executive indicates that it does not advise against the granting of consent.

- 6.3 Lincolnshire County Council identifies that the application site is located within the safeguarding corridor of the Boston Distributor Road, but concludes that the proposal is acceptable, and that it therefore does not wish to object to this application.
- 6.4 Wyberton Parish Council indicates that, whilst the restaurant may create employment and may help to reduce traffic congestion in the town centre, it may also lead to extra litter locally, increase traffic numbers locally – potentially creating traffic congestion and posing a risk to pedestrians and cyclists. Consequently, the Parish Council asks that:
- The applicant should make a contribution towards the construction of a path/cycleway on West End Road;
 - The potential for congestion in the area should be taken into consideration;
 - An area should be provided for *“vehicles to park up with the takeaway and plenty of bins to help minimise litter in the area including the wooded areas”*;
 - The applicant should work with local groups for litter picking;
 - Takeaway containers should be in bio-degradable materials; and
 - Takeaway containers should be stamped with car registration numbers to enable those responsible for littering to be traced.

7.0 Planning Issues and Discussions

- 7.1 Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) indicates that *“a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety ...”* i.e. advertisements should be subject to control **only** in the interests of amenity and public safety. Given that:
- the issues raised by the Parish Council; and
 - issues concerning the Safeguarding Corridor identified in the Local Plan
- do not relate directly to potential amenity or public safety impacts of the proposed totem sign, it is considered that they can be given no weight in the determination of this application.
- 7.2 Therefore, the key considerations in regard to this application are: effects on public safety; and effects upon amenity.

Amenity

- 7.3 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 identify that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 7.4 Despite the fact that the application site is currently undeveloped and the Local Plan shows it as being in the Countryside, the character of the locality is very mixed and, although there are significant numbers of residential properties nearby, uses of a commercial character predominate. The surrounding area contains a large number of existing advertisements of various types and sizes, including:

- At approximately 200m distance: board adverts on the frontage of Swineshead Road for Mastebroek and Cola Training Services; and adverts on the elevations and within the curtilages of various commercial buildings (Lidl, Oldrids Downtown, Tesco, Hammer and Pincers PH, Chain Bridge PH, Mastebroek, and B&Q);
- At approximately 100m-150m distance: adverts on buildings and at the boundaries of commercial premises (Old MacDonald's Farm Shop, B&Q, Tesco); and a board advert on the roundabout at the junction of New Hammond Beck Road with Westbridge Road; and
- At less than 100m distance, board advertisements for Old Macdonalds Farm Shop and Adventures in Wood, banner advertisements fixed to the railings of the bridge over the New Hammond Beck, an illuminated totem sign advertising the Tesco store, and boards on the frontage of Swineshead Road advertising a fireworks retailer and an installer of TV aerials.

7.5 The proposed totem sign: will be prominently located; its post will be significant in height (12m); and the signs that it will carry will themselves be displayed at considerable heights above ground-level (between 7.4m and 9.9m at their bases). As a consequence, it is considered that the proposed sign will be a very prominent feature in the street-scene, even bearing in mind that:

- its signs are not particularly large in size (ranging from 0.87m x 1.92m to 1.667m x 1.92m);
- the signs' colour-schemes are not garish; and
- the degree of illumination proposed is relatively modest, and the wider area is well illuminated at night.

Nonetheless it is considered that, given the large number of advertisements displayed in the wider area, the proposed totem sign will not appear out-of-character. Furthermore, given that it will be located more than 25m from the nearest dwelling, it is considered that it will not have unacceptable adverse impacts on the amenities of residential neighbours.

7.6 The application site is not within a conservation area and contains no listed buildings, but it does form part of the setting of a listed building (a Grade II milestone located on the opposite corner of Swineshead Road and Wortleys Lane). Given that:

- the totem sign is proposed to be located approximately 40m from the milestone;
- the proposed signs are relatively small in size, are not in garish colours or strongly illuminated;
- the milestone's immediate setting is already dominated by modern development of a largely suburban character; and
- the milestone's wider setting already contains large numbers of advertisements,

it is considered that the proposal will not have any significant adverse impact upon the milestone's setting.

7.7 It is considered the proposed totem sign would not harm the amenity of the area and as such is acceptable in this respect.

Public safety

- 7.8 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 identify that factors relevant to public safety include the safety of people using the highway and whether the display of the advertisement is likely to: obscure or hinder the ready interpretation of any traffic sign; or hinder the operation of any security or surveillance device, or device for measuring the speed of vehicles.
- 7.9 As was identified in paragraph 7.5 of this report, the proposed totem sign will be highly visible to users of nearby highways, and it is noted that it is proposed to be located within approximately 50m of the busy roundabout at the junction of Swineshead Road with Westbridge Road. Nonetheless, it is considered that, because:
- Its signs are not particularly large in size (ranging from 0.87m x 1.92m to 1.667m x 1.92m);
 - the signs' colour-schemes are not garish;
 - the degree of illumination proposed is relatively modest and the wider area is well illuminated at night; and
 - the area already contains large numbers of advertisements,
- the proposed totem sign will not impact upon the safety of highway users – a view shared by the Highway Authority. Equally, it is considered that the sign will not impact upon the operation of the town's CCTV or speed-control cameras.
- 7.10 It is considered the proposed totem sign would not harm public safety and as such is acceptable in this respect.

8.0 Summary and Conclusion

- 8.1 The application site is located in a part of the town where commercial uses are concentrated, and where advertisements are common. It is considered that the proposal:
- is in keeping with the general characteristics of the locality, and will not have any significant adverse impact upon the setting of the nearby listed milepost; and
 - will not impact upon the safety of highway users or the operation of the town's CCTV or speed-control cameras.

9.0 Recommendation

- 9.1 It is recommended that the Committee **GRANTS Advertisement Consent**, subject to the following conditions and reasons:-

1. This consent expires after 5 years from the day consent was initially granted.

Reason: Required to be imposed by Section 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The signage hereby approved by this consent shall be carried out in strict accordance with the application received 02-Nov-2020, and with the details shown on drawings:
 - Drawing Number 7489-SA-8675-AL02 A (Nov 2020): Site Location Plan Adverts;

- Drawing Number 7489-SA-8675-P122 D (Feb 2019): Site Layout Plan Drive Totem; and
- Job Number 98748A (27/08/2019): Sign 1 – DT2 12m totem.

Reason: To ensure the development is undertaken in accordance with the approved details, and to comply with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2011-2036, and guidance contained in the National Planning Policy Framework (February 2019).

3. (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) Where an advertisement is required under this permission to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Standard conditions imposed by the Town and Country Planning (Control of Advertisement) Regulations 2007.

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