

# **PLANNING APPLICATION B/20/0429**

Planning Application:

Advertisement Consent for Various Site Signage

4no. Internally Illuminated Freestanding Signs

2no. Banner Units

1no. Play Land Sign

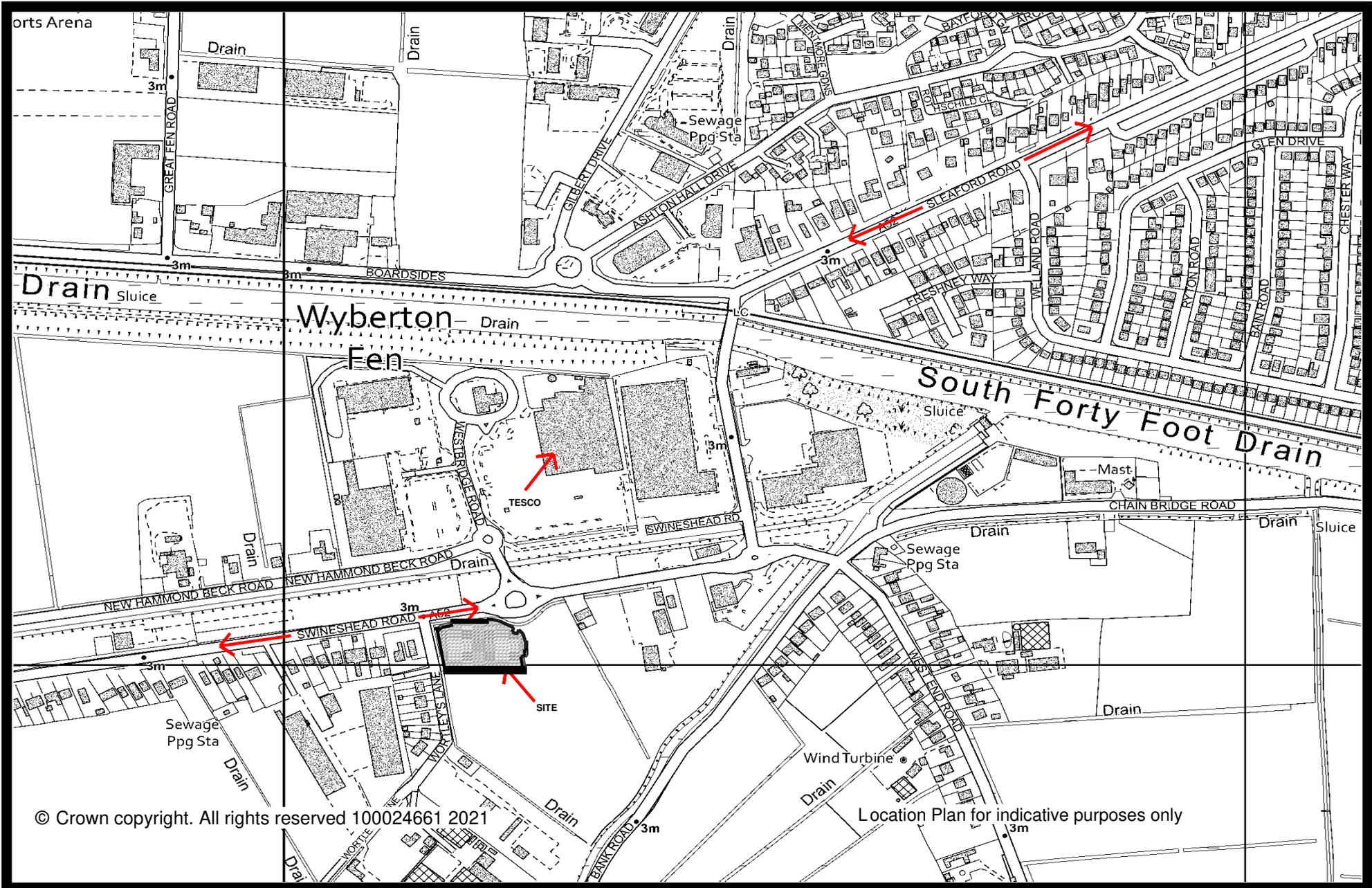
23.no Dot Signs

Location:

Land to the South of Swineshead Road and  
East of Wortley's Lane, Wyberton, Boston, PE21 7JF

Applicant:

McDonald's Restaurants Limited



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Location Plan for indicative purposes only

**BOSTON BOROUGH COUNCIL**

**Planning Committee – 9<sup>th</sup> March 2021**

Reference No: B/20/0429

Expiry Date: 28-Dec-2020

Extension of Time: 05-Feb-2021

Application Type: Advertisement Consent  
Proposal: Advertisement Consent for:  
Various Site Signage  
4no. Internally Illuminated Freestanding Signs  
2no. Banner Units  
1no. Play Land Sign  
23.no Dot Signs

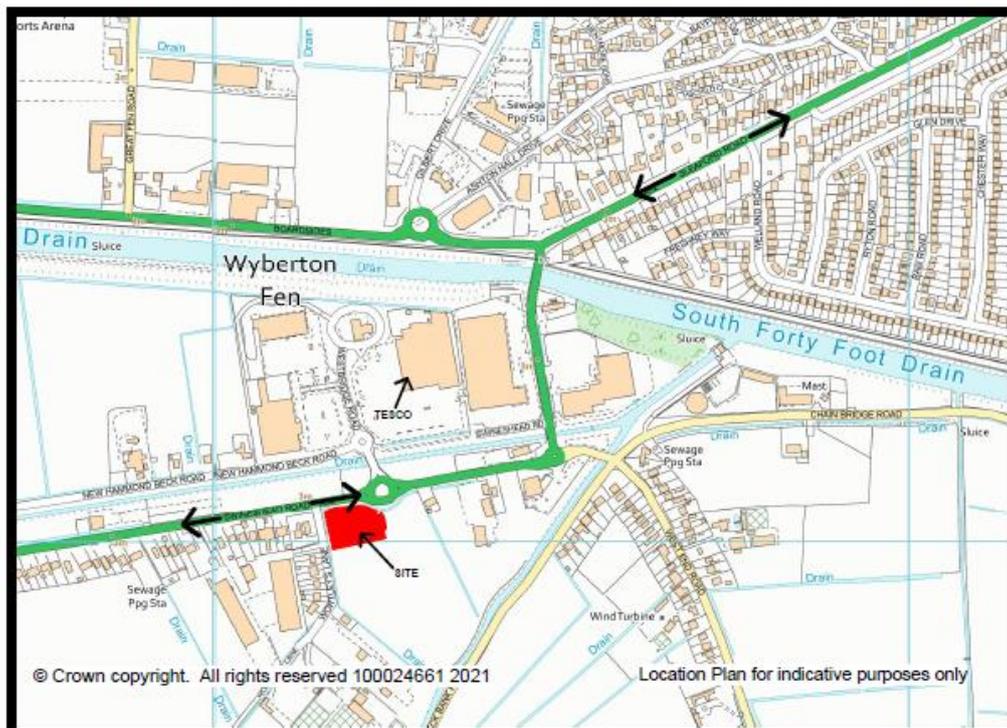
Site: Land to the South of Swineshead Road and East of Wortley's Lane, Wyberton, Boston PE21 7JF

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 display of the following signs within the curtilage of the restaurant proposed to be built under planning application B/20/0432:
1. 2 unilluminated signs (70cm x 28cm) with white backgrounds displaying the ‘golden arches’ logo, a wheelchair logo, and black text reading ‘Accessible Parking Bay’, displayed on metal posts (with the base of the sign 0.5m above ground-level) at the south-eastern corner of the proposed restaurant building;
  2. 3 internally-illuminated double digital menu boards (1.367m x 1.573m) displayed on aluminium posts (with the bases of the menu boards 0.667m above ground-level) within the drive-thru lanes and to the west of the proposed restaurant building;
  3. 1 internally-illuminated single digital menu board (1.367m x .84m) displayed on an aluminium post (with the base of the menu board 0.596m above ground-level) within the drive-thru lanes and to the south-west of the proposed restaurant building;
  4. 2 dark-olive coloured, unilluminated double-sided banner units (4.82m wide x 1.16m high) with the bases of the units 0.9m above ground-level, one towards the site’s north-western corner and the other towards its south-eastern corner;

5. 2 unilluminated signs (70cm x 28cm) with white backgrounds displaying the 'golden arches' logo, and black text reading 'Parked Order Bay 1 or 2', displayed on metal posts (with the base of the sign 0.9m above ground-level) to the east of the proposed restaurant building;
6. 15 unilluminated traffic-control signs ('Speed Limit 10MPH', 'Give Way', 'No Entry', 'Pedestrian Crossing', and 'Caution Look Left/Right/Both Ways'), displayed on metal posts (with the bases of the signs 0.9m or 1m above ground-level) at various locations within the site;
7. 3 unilluminated signs (70cm x 28cm) with white backgrounds displaying the 'golden arches' logo, a yellow litterbin logo, and red and black text reading 'Litter - Please put your Litter in the Bin Provided - Our Litter Patrol operates in this Area', displayed on metal posts (with the base of the sign 0.5m above ground-level) at various location; and
8. 1 dark-olive coloured sign (1.1m x 1.1m) with internally illuminated white text reading 'play land' and an internally-illuminated red, yellow and white logo, displayed 2.06m above ground-level on the western façade of the outdoor climbing frame proposed to the east of the restaurant building.

### **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/20/0427 – Application for Advertisement Consent for the installation of 1 internally illuminated freestanding totem sign;
  - B/20/0428 – Application for Advertisement Consent for the installation of 10 internally illuminated signs; 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 biodegradable 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 advertisements, 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 upon amenity; and effects on public safety.

### **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 Mastenbroek 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, Mastenbroek, 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 It is noted that the proposed signs are numerous, a few are internally-illuminated and a few are located close to the site's boundaries with Swineshead Road and Wortleys Lane. It is nonetheless considered that they will have relatively little impact upon the street scene because:

- almost all are relatively small in size;
- only 1 is displayed at a height of more than 2m above ground-level;
- their colour schemes are not garish; and
- the degree of illumination proposed is relatively modest, particularly in the context of the high levels of night-time illumination in the wider area.

- 7.6 Taking account of the above factors and, given the large number of advertisements displayed in the wider area, it is considered that the proposed signs will not appear out-of-character with their surroundings. Furthermore, taking into account the closest sign will be located approximately 25m from the nearest dwelling, it is considered that they will not have unacceptable adverse impacts on the amenity of residential neighbours.

- 7.7 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:
- even the closest sign (an unilluminated double-sided banner unit) is proposed to be located approximately 25m from the milestone, and that the most distant signs will be more than 100m away;
  - the proposed signs are relatively small in size, are not in garish colours, most are unilluminated and, even where illumination is proposed, levels will be modest;
  - 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 proposals will not have any significant adverse impact upon the milestone's setting.
- 7.8 It is considered the proposed signs would not harm the amenity of the area and as such is acceptable in this respect.

### **Public safety**

- 7.9 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.
- 7.10 Some of the proposed signs will be visible to users of nearby highways, and it is noted that the closest will be located within approximately 30m of the busy roundabout at the junction of Swineshead Road with Westbridge Road. Furthermore, some of the proposed signs some take the form of Department of Transport signs. Nonetheless, it is considered that, because:
- few signs will be easily visible from the busy Swineshead and Westbridge Roads, and those which are visible are not particularly large in size and are very unlikely to be confused with traffic signs;
  - the signs' colour-schemes generally are not garish;
  - few are proposed to be illuminated (and for those which are, the degree of illumination proposed is relatively modest (particularly in the context of the high levels of night-time illumination in the wider area)); and
  - the area already contains large numbers of advertisements,
- the proposed signs will not impact upon the safety of highway users – a view shared by the Highway Authority. Equally, it is considered that the signs will not impact upon the operation of the town's CCTV or speed-control cameras.
- 7.11 It is considered the proposed signs 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 proposals:

- are 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-P108 D (Feb 2019): Site Layout Plan Site Signage;
- Un-numbered Drawing (10 August 2016): ERDDS Banner Unit;
- Un-numbered Drawing: DOT Signage Accessible Parking Bay;
- Un-numbered Drawing: Caution – Look Left Traffic Approaching and Caution – Look Right Traffic Approaching Signs;
- Un-numbered Drawing: DOT Signage Give Way;
- Un-numbered Drawing: DOT Signage Litter Sign;
- Un-numbered Drawing: Caution Look Both Ways Sign;
- Un-numbered Drawing: DOT Signage No Entry;
- Un-numbered Drawing: DOT Signage Parked Order Bay 1;
- Un-numbered Drawing: DOT Signage Parked Order Bay 2;
- Un-numbered Drawing: DOT Signage Pedestrian Crossing;
- Un-numbered Drawing: 10MPH Disc;
- Un-numbered Drawing: Playland Logo Outdoor Untis (sic) Logo: 1100mm;
- Un-numbered Drawing: Double Digital Menu Board; and
- Un-numbered Drawing: Single Digital Menu Board.

**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.