



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 2d

Reason for bringing to committee

Called in by Councillor Andrew on grounds that there is significant public interest in this application which requires consideration.

Application Details

Location: BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN

Proposal: THE INSTALLATION OF A FREESTANDING 12M HIGH TOTEM SIGN.

Application Number: 23/0690

Case Officer: Stephanie Hollands

Applicant: MCDONALD'S RESTAURANTS LIMITED

Ward: Pheasey Park Farm

Agent: Planware Limited

Expired Date: 01-Aug-2023

Application Type: Advertisement Consent

Time Extension Expiry: 28-Jun-2024



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- The amendment and finalising of conditions.

Proposal

The installation of a freestanding 12m high totem sign on a new proposed Mc Donalds restaurant with Drive-thru at Buffet Island, Queslett Road, Great Barr.

The application proposes:

SITE SIGNAGE SCHEDULE - ERDDS SIGNAGE								
ADVERT REF	QTY	SIZE (mm)	MATERIALS	COLOUR	HEIGHT (mm) ABOVE GROUND	EXTENT (mm) OF PROJECTION	HEIGHT (mm) OF TEXT	ILLUMINATION
Drive Totem 2 (12m)	001	1920 x 12000	PPC Aluminium Totem Sign in RAL 6015 and Timber effect, with moulded Yellow acrylic internally illuminated "Golden Arch" to both sides.	Khaki, Timber, Yellow & White	12000	N/A	VARIES	[STATIC - Max. 600cd/m ²]

All static internal illumination to illuminance level 600cd/m².

Site and Surroundings

The application site is located to the northwest quadrant of the roundabout junction of the A4041, B4149, Collingwood Drive and Romney Way. The site fronts onto the roundabout junction but is separated by a dedicated bus stop. Access is from both Collingwood Drive to the South and Romney Way to the north.

The application site is predominantly laid out to formal carparking on the northern, eastern and southern boundaries, with the building located towards the back (west) of the site. A landscape buffer sits behind the building. A small landscape buffer fronts the site against the bus stop and thereafter, the roundabout.

The building itself is of two storey brick and tile design, dating back to the 1930's period. The main frontage returns at either end with two short two storey wings. A number of extensions have been constructed to the rear of the building. A prior notification decision was approved on 7th September 2022 for the demolition of the building (22/1125).

The immediate surrounds are residential in nature, generally built in the same period or later than the subject site. Pavements are generally wide, and many gardens have been laid to parking. The wider area includes a commercial area 200m to the south. This is repeated further afield, with Asda located on the roundabout to the south.

Relevant Planning History

Application ref	Description	Decision	Date
05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005

07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
22/1125	Prior approval for demolition	Granted	07/09/2022
23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0689	Installation of 2 no. Fascia signs, 3 no. booth lettering signs and 1 no. digital booth screen.	Under Assessment	
23/0688	Installation of various site signage including 4 no. freestanding signs, 3 no. Banner units, 1 no. playland sign and 31 no. dot signs comprising 4 no. accessible bays, 2 no. parked order bays, 2 no. no entry, 10 no. pedestrian crossing, 3 no. give way, 5 no. Look left and 5 no. rook right.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *"it is considered that the proposed development may be supported in principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised."*

Relevant Policies

Part 3 (Express Consent) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

Applications for express consent

9.— (1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

- (a) include the particulars specified in the form; and
- (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,

- (ii) shows the direction of North,
- (iii) identifies the location of the site by reference to at least two named roads, and
- (iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

(a) to the use by the authority of electronic communication for the purposes of his application;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the authority for that purpose, or

(ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Power to deal with applications

14.— (1) Where an application for express consent is made to the local planning authority, the authority may—

(a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

(b) refuse consent; or

(c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

(a) for the display of a particular advertisement or advertisements with or without illumination;

(b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or

(c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

(a) regulating the display of advertisements to which the consent relates;

(b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;

(c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

(a) such period as the local planning authority may specify in granting the consent; or

(b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

(a) the date of the commencement of the display; and

(b) a specified date not later than 6 months after the date on which the consent is granted.

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**

- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV7: Countryside Character
- ENV11: Light Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV36: Poster Hoardings
- ENV37: Small Poster Panel Advertisements

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

The institution of Lighting Engineers, Technical Report Number 5: *Brightness of Illuminated Advertisements*

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)
- E4 – High district brightness areas (eg town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m²)

Illuminated Area (m ²)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Consultation Replies

Environmental Protection: No objection. There are no significant noise, contaminated land, or air quality impacts associated with this application.

Local Highways Authority: No objection.

Public Lighting: No objection. The dimensions of the lit portion of the sign and its proposed luminous intensity are in line with PLG05.

Representations

No comments received.

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

The application relates to the installation of an internally illuminated freestanding 12m high totem sign relating to for 23/0669 which seeks permission for the erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.

This proposal is purely for an internally illuminated freestanding 12m high totem sign. The sign reflects the corporate branding of this chain of restaurant, in similar locations to the existing signage and is considered would not have an adverse impact upon the visual appearance of the area.

The Institution of Lighting Engineers Technical Report No. 5 (2nd Edition), "Brightness of Illuminated Advertisements" recommends in areas of low district brightness such as small village locations, a maximum lighting luminance of 600 candelas per square metre. The proposal at 600 candelas/m² is considered to be of low luminance and would have no impact in this medium brightness (urban location) area.

The proposed totem would be partially shielded from the view of the majority of the neighbouring properties by existing and proposed fencing and vegetation.

Whilst the proposed totem will be visible above the fence, visible from habitable windows of this property, it is considered the illumination from the sign would be seen in the context of the existing street lighting of the roadway. The 600 candelas/m² is of low luminance and would have minimal impact in this medium brightness (urban location) area. Therefore, on balance it is considered that proposed totem will limit direct impacts from illumination of the neighbouring property.

Highways and Public Safety

It is considered that there would be no impact on highway safety as a result of the totem sign which will be set back from the Highway. It is considered it poses minimal risk of harm to highway and public safety and Local Highways Officers have no objections to the proposed signage.

Conditions will be included to retain static illumination and regarding the level of illumination.

Conclusions and Reasons for Decision

The proposal is consistent with the branding of this chain of restaurant, in similar locations and are considered would not have an adverse impact upon the proposed building and the proposal does not present an adverse effect to the visual amenities or character of the area. The specified illuminance levels would be acceptable within urban zone E3, in accordance with: 'The institution of Lighting Engineers, Technical Report Number 5' document, which can be conditioned. Therefore, the proposal is in accordance with UDP policies ENV11, ENV32 and ENV36.

The location and orientation of the proposed advertisement means that proposed signs are unlikely to result in an adverse impact to public and highway safety, subject to the appropriate planning conditions being attached.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- The amendment and finalising of conditions.

Conditions and Reasons

1. The adverts are hereby approved for 5 years during the period of 09-02-2024 – 09-02-2029.

Reason: Pursuant to the requirements of Part 3 Section 14(7)(8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Sign 1 – Scale 1:50 DT2 12m Totem received 06/06/2023
- Location Plan (Signage Application 2) received 06/06/2023
- Block Plan Rev C (Signage Application 2) received 06/06/2023

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. 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.

Reason: It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

6. 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.

Reason: In the interest of public safety and amenity

7. 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 on visual amenity.

Reason: In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed 600 candelas/m² luminance levels at any time.

Reason: To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

Notes for Applicant

None.

END OF OFFICERS REPORT