

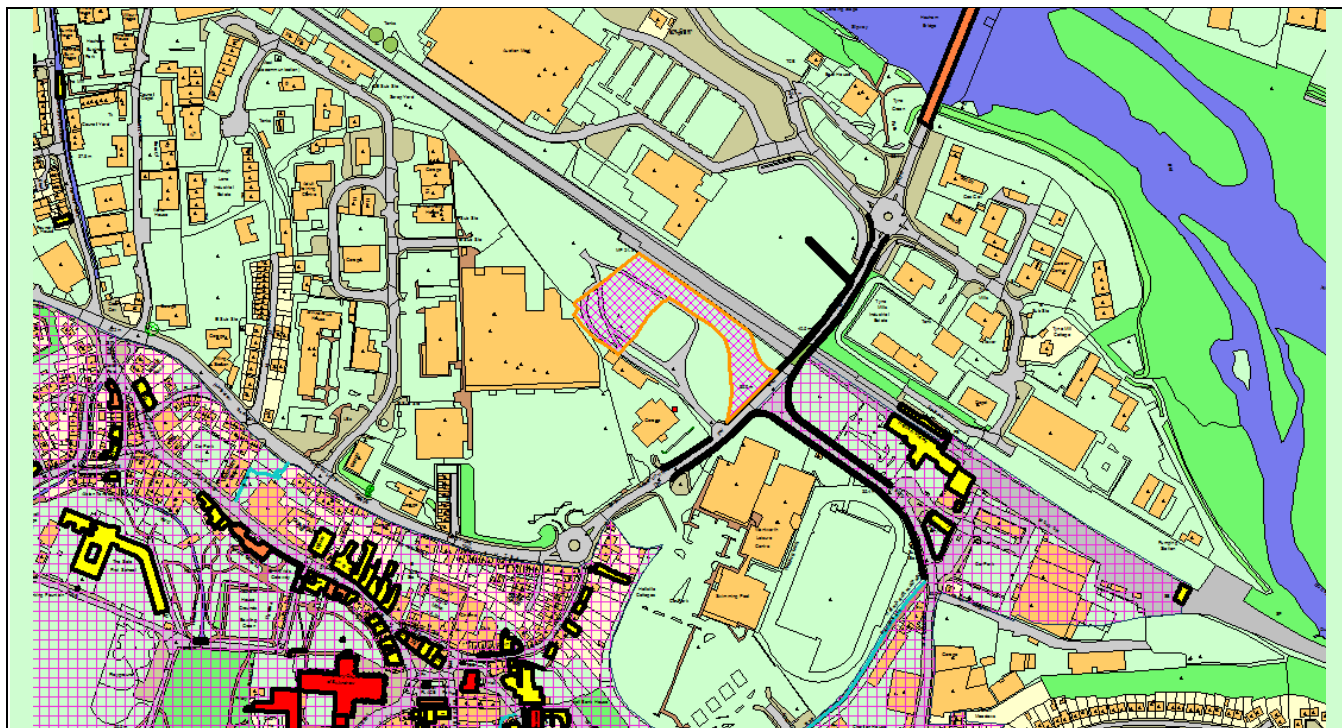


Northumberland County Council

Tynedale Local Area Council Planning Committee 14 December 2021

Application No:	21/02500/ADE		
Proposal:	Advertisement consent for 1no. 4.5 metre high totem sign (as amended)		
Site Address	Land at North East of Bishops Garage Building, Alemouth Road, Hexham, NE46 3PJ		
Applicant:	McDonald's Restaurants Ltd, 11 - 59 High Road, East Finchley, London, N2 8AW	Agent:	Mr Matthew Carpenter, Planware Ltd, St Andrews Castle, 33 St Andrews Street South, Bury St Edmunds, IP33 3PH
Ward	Hexham Central with Acomb	Parish	Hexham
Valid Date:	22 June 2021	Expiry Date:	17 December 2021
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Principal Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme due to the nature of the proposals as part of the wider development in this location and objection received from Hexham Town Council. It was agreed that the application raises issue of strategic, wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1 Advertisement Consent is sought for the display of signage proposed as part of the construction of a new McDonald's restaurant and drive-thru, which was approved by the Committee in July 2021 under application reference 20/03048/FUL. The development of the restaurant has not yet commenced, and this is located within the site of the wider redevelopment of the Bunker Site that was granted permission for a Lidl food store, Travelodge hotel and public car park under application 19/00277/FUL, with works to remove a section of listed wall to create a new access from Alemouth Road also granted listed building consent under 19/01082/LBC.

2.2 The site is not within the Hexham Conservation Area but lies in close proximity to it. As with the original proposals for the wider development of the Bunker Site, an important material consideration is the effect of any proposals on the setting of the Conservation Area and historic townscape that lies to the south of the site, and the setting of heritage assets, including the Grade I listed Hexham Abbey, Moot Hall and Old Gaol. The eastern boundary of the larger site is formed by the Grade II listed abutments and retaining walls to the road bridge over the railway line. The site is also in relatively close proximity to other Grade II listed buildings, including Hexham Railway Station and associated buildings further to the east. The site is located immediately adjacent to existing commercial development that features associated signage, including Tesco, Waitrose, Next and the Vauxhall - Bristol Street Motors showroom and garage.

2.3 The application seeks advertisement consent for the display of one internally illuminated 4.5 metre high totem sign that would be located to the north-eastern corner of the McDonald's site and adjacent to the eastern boundary with the Lidl store. The proposed totem would have a maximum height of 4.5 metres and a width of 1.44 metres. The totem would be split up into separate aluminium composite panels: one backlit yellow arched 'M' on a green background to the top (1.48m x 1.44m); one brown panel below (0.64m x 1.44m); one back-lit 'Drive-Thru' logo on a green background below that (0.64m x 1.44m); and one brown panel to the base (1.34m x 1.44m).

2.4 The scheme has been amended from the original submission following discussions with officers and having regard to potential effects on the visual amenity of the site and wider area, including the designated heritage assets. As originally proposed the totem measured a total of 12 metres in height, albeit with a slimmer pole structure, but supporting wider panels to those currently proposed at the higher level. Those panels comprised: one yellow 'M' on a green background to the top (1.67m x 1.92m); one brown panel below (1.28m x 1.92m); and one 'Drive-Thru' logo on a green background below that (0.87m x 1.92m). Officers undertook further consultation on

amended proposals that reduced the height of the totem to 5 metres, and the current scheme has been submitted showing a further reduction to 4.5 metres in height.

2.5 There are two other separate applications for the McDonald's site that are also seeking advertisement consent for other signage under references 21/02499/ADE and 21/02501/ADE, which are also on this committee agenda. Consent has recently been granted under delegated powers for signage at the Travelodge site under 21/01422/ADE following amendments made to the size and illumination of signs to the elevations. A separate application for signage at the Lidl store and to the entrance to the overall site from Alemouth Road has also been submitted under reference 21/01866/ADE, which is still pending consideration.

3. Planning History

Reference Number: 19/00277/FUL

Description: Hybrid Planning Application - Full planning permission for a new food store (Use Class A1) (2,177 sq m) with associated customer car parking and servicing, a four storey 69 bed hotel (Use Class C1)(2,540 sq m) and 250 public car parking spaces with associated means of access from, and upgrades to, Alemouth Road. Outline planning permission with all matters reserved for up to 1,600 sq.m of development in Use Classes A1- A4 in two units with associated car parking.

Status: Permitted

Reference Number: 19/02082/LBC

Description: Listed Building Consent: Works to relocate Listed Wall

Status: Permitted

Reference Number: 20/00071/LIC

Description: Application for premises licence to be granted

Status: No objection

Reference Number: 20/03048/FUL

Description: Erection of freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD)

Status: Permitted

Reference Number: 21/01422/ADE

Description: Advertisement consent for installation of 3 x sets of halo illuminated vertical individual letters and logos, 2 x halo illuminated fascia panels and 1 x non illuminated post mounted directional sign (as amended)

Status: Permitted (Travelodge)

Reference Number: 21/01866/ADE

Description: Advertisement consent for 3no. large billboards, 2no. small billboards, 2no. canopy signs, 1no. freestanding double sided parking sign, 1no. freestanding poster display unit and 1no. monolithic totem sign.

Status: Pending (Lidl and main site entrance)

Reference Number: 21/02499/ADE

Description: Advertisement Consent: Installation of 4 No. fascia signs, 3 No. booth lettering signs and 1 No. 15" digital booth screen (as amended)

Status: Pending

Reference Number: 21/02501/ADE

Description: Advertisement consent for 4 no. Freestanding signs and 14 no. Dot signs (as amended)

Status: Pending

4. Consultee Responses

Hexham Town Council	The Town Council object on the grounds of the design not being in line with the principles for design outlined in the Neighbourhood Plan (HNP2), as well as protecting the Conservation Area (HNP3), Heritage Assets (HNP4) and not complying with the Hexham Shopfront Design Guide (HNP5).
Design & Built Heritage	The proposed totem pole has been reduced from 12m high to 5m high and is therefore considered to be more acceptable – no objection.
Historic England	No comments – suggest views are sought from NCC’s specialist conservation advisers.
Highways	No objection to the amended application.
Network Rail	No observations.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

General site notice: 15 July 2021

No press notice required.

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

Hexham Neighbourhood Plan (July 2021)

HNP2 High Quality Sustainable Design

HNP3 Design in the Hexham Conservation Area

HNP7 Designated Heritage Assets

Tynedale LDF Core Strategy (2007)

BE1 Principles for the Built Environment

Tynedale District Local Plan 2000 (Policies Saved 2007)

BE5 Shop Signs

BE18 Development affecting the character and setting of a Conservation Area

BE22 The Setting of Listed Buildings

GD2 Design Criteria for Development

GD4 Range of Transport Provision for all Development

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

QOP 1 Design principles

QOP 2 Good design and amenity

TRA 2 The effect of development on the transport network

ENV 7 Historic environment and heritage assets

ENV 9 Conservation Areas

6.4 Other Documents/Strategies

- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- National Design Guide (2019)
- The Setting of Heritage Assets (Historic England – December 2017)
- Hexham Shopfront Design Guide (April 2018)

7. Appraisal

7.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

7.2 Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. This also states that the advertisement consent process is intended to operate in a way that is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Amenity

7.3 The NPPG provides guidance on how “amenity” ought to be assessed for this type of application. “Amenity” is not defined exhaustively in the Advertisement Regulations. It includes aural and visual amenity, and 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 The NPPG advises that in practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

7.5 As referred to earlier, the location of the site and the scale of the building requires an assessment in relation to potential effects on the historic townscape of Hexham and the setting of the Conservation Area and listed buildings. It is also acknowledged that there are other commercial properties with associated signage in the immediate vicinity of the site to the east, south and west.

7.6 Policy HNP2 of the Hexham Neighbourhood Plan (HNP) looks to secure high quality design in new development that responds positively to local character. Although the site is not within the Conservation Area, Policy HNP3 of the HNP states that proposals impacting on the Conservation Area or its setting should consider their impact on important views into and out of Hexham, including historic roofscapes and the historic buildings of the Abbey, Moothall and Old Gaol. Policy HNP5 relates specifically to shop front design in the Conservation Area and refers to taking account of the most recently adopted shopfront design guidance for Hexham, although this is not applicable to the current application given the location outside of the Conservation Area. Policy HNP7 requires an assessment of effects on the setting of designated heritage assets.

7.7 The Hexham Shopfront Design Guide aims to promote high standards of design for new shopfronts and alterations to existing shopfronts. The Guide also advises that the choice of colours and materials of advertisements should be carefully considered to ensure that they are sympathetic to the host building. The proposals do not specifically relate to shopfront works that would be covered by the Guide, but consideration has been given to the main issues raised in terms of looking to secure appropriate design within this location

7.8 Policy GD2 of the Tynedale Local Plan (TLP) looks to secure design that is appropriate to the character of the site and its surroundings, existing buildings and their setting. Policy BE5 of the TLP states that signs will be permitted in commercial areas, provided that the display is related in size, scale, content and character to the building on which it is mounted; and will not cause nuisance to occupiers of nearby premises; and will not prejudice road safety. Policies BE18 and BE22 of the TLP require an assessment of the effects of development on the character and setting of a Conservation Area and listed buildings respectively. Policy BE1 of the Tynedale Core Strategy (TCS) refers to conserving and where appropriate enhancing the quality and integrity of the built environment and its historic features.

7.9 In terms of emerging planning policy, officers have also considered relevant policies of the Draft Northumberland Local Plan (NLP). These include QOP 1 and QOP 2 in relation to design principles and amenity, as well as ENV 7 and ENV 9 in relation to heritage assets and effects on the setting of Conservation Areas.

7.10 Following initial consultation with the Design and Built Heritage Officer (DBHO) on the original proposals, comments were received identifying substantial harm to the setting of heritage assets due to the scale of the proposed signage. The DBHO could not support the proposals and referred to the excessive height and illumination, which would be clearly visible from the main approach road to the historic town centre and would be read against this backdrop. Advice was provided that the fascia signs to the southern elevation should be removed and the booth lettering to the same elevation should be reduced in scale. Advice was provided that a much lower and smaller sign would be more acceptable and should be submitted for consideration.

7.11 The plans have subsequently been amended by the applicant in response to the above comments with the submission of a lower 5 metre high sign, and now a further reduction to 4.5 metres, which would also be internally illuminated. Whilst this is much lower in overall height compared to the previous 12 metre high totem, and it would sit around 1.3 m lower than the highest part of the main restaurant building, it is also acknowledged that the sign may have a somewhat 'bulkier' appearance.

7.12 Following reconsultation on the amended plans for a 5 metre high sign, Hexham Town Council has maintained an objection that the design is not in line with the principles for design outlined in the HNP (Policy HNP2), as well as protecting the Conservation Area and heritage assets (Policies HNP3 and HNP4) and that it does not comply with the Hexham Shopfront Design Guide (Policy HNP5). However, the DBHO has responded to state that the revised proposals with the reduction in height are now more acceptable, and they have confirmed there are no objections to the application. Since receiving these comments, officers have secured the further reduction in height of the totem to 4.5 metres.

7.13 Whilst the objection from the Town Council is noted, the amended scheme is considered to result in a more appropriate form of development that would not result in harm to the visual amenity of the site and wider area, including the setting of designated heritage assets. The McDonald's site is located further into the main Bunker Site and to the west side of the larger Lidl store. Although still being a relatively large sign, the revised totem would be located well within the overall site and more likely viewed against the backdrop of the new restaurant and buildings in the immediate vicinity. At this reduced height it is not felt to be of a scale or design that would result in significant or adverse impacts from longer-range views outside of the site itself.

7.14 Having regard to the location of the site and the nature of the new sign, it is considered that the revised scheme would be acceptable in terms of amenity in the context of the character and appearance of the building, the site, surrounding commercial development and the wider setting of the historic town and its heritage assets. Whilst details of the proposed opening hours of the restaurant and drive-thru have not been confirmed with this application, it is recommended that a condition is attached to any consent that would restrict any illumination of signage outside of the business opening hours in order to reduce and mitigate the visual impact of this element. In the event that the site operates for longer periods during the night, the applicant's agent has advised that any illumination could be reduced during the hours

of 0000 – 0600 to further mitigate any effects on visual amenity. A condition to secure details of such a scheme could be attached to any grant of consent in order to mitigate effects on visual amenity.

7.15 Although this application is being assessed on its merits, consideration has also been given to potential cumulative impacts on amenity alongside existing development and their adverts, as well as signage currently proposed in other applications. Given the location, design and nature of the new signage, the proposal is not considered to result in harmful effects on visual amenity having regard to cumulative impacts.

7.16 The amended proposals are therefore considered to be acceptable in terms of amenity in this location having regard to the identified development plan policies and the NPPF.

Public Safety

7.17 The Advert Regulations state that factors relevant to public safety include:

- i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);*
- ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;*
- iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.*

7.18 The NPPG notes that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It goes on to state that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.

7.19 The application has been assessed for its impact upon public safety by the Council's Highway Development Management Team (HDM) in terms of highway safety and By Network Rail (NR) given the proximity to the railway line to the north of the site. Both HDM and NR have raised no objections to the proposed signage, and on this basis the proposal is considered to be acceptable in relation to matters of public safety having regard to Polcieis GD2 and GD4 of the TLP and the NPPF.

Equality Duty

7.20 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.21 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.22 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.23 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.24 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 Having assessed the application against the relevant local planning policies, the NPPF and other material considerations, it is considered that the proposal represents an appropriate form of development in respect of matters of amenity and public safety. The proposal therefore accords with Policies HNP2, HNP3 and HNP 7 of the HNP, Policy BE1 of the TCS, Policies GD2, GD4, BE5, BE18 and BE22 of the TLP and the NPPF. Whilst there are other applications seeking advertisement consent for this and other units on the wider Bunker Site, these will also need to be assessed on their merits and having regard to effects on the amenity of the area and heritage assets, as well as in terms of cumulative effects.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. STANDARD CONDITIONS.

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant

permission.

2. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used for the display of advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

6636_AEW_8455_0401 Rev A (20/10/2021) - Block Plan (Signage Application 2)
McD / 052 / 2014 – McDonalds 5 metre Drive Thru Totem

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The signage in the plans hereby approved shall not be illuminated outside of the business opening hours of the premises.

Reason: In the interests of the visual amenity of the site and wider area and the setting of designated heritage assets, in accordance with Policies HNP2, HNP3 and HNP7 of the Hexham Neighbourhood Plan, Policy BE1 of the Tynedale Core Strategy, Policies GD2, BE18 and BE22 of the Tynedale Local Plan and the National Planning Policy Framework.

04. In the event that any signage is proposed to be illuminated between the hours of 0000 – 0600 as a result of the business opening hours, a scheme to reduce the levels of illumination between those hours shall be submitted to and approved in writing with the Local Planning Authority prior to first operation during those times. The scheme shall thereafter be implemented and operated during those hours in full accordance with the approved details.

Reason: In the interests of the visual amenity of the site and wider area and the setting of designated heritage assets, in accordance with Policies HNP2, HNP3 and HNP7 of the Hexham Neighbourhood Plan, Policy BE1 of the Tynedale Core Strategy, Policies

GD2, BE18 and BE22 of the Tynedale Local Plan and the National Planning Policy Framework.

Background Papers: Planning application file(s) 20/03048/FUL, 21/02499/ADE, 21/02500/ADE and 21/02501/ADE