

DELEGATED DECISION REPORT

SMD/2024/0207
Valid 02/05/2024

MCDONALD'S CHURNET
WAY
LEEK

APPLICATION FOR CONSENT
TO DISPLAY AN
ADVERTISEMENT(S) -
INSTALLATION OF A
FREESTANDING BANNER
SIGN

(ADVERTISEMENT CONSENT)

MAIN ISSUES

- Visual Amenity
- Residential Amenity
- Public Safety

DESCRIPTION OF SITE

The application site was previously a brownfield site located to the Southwest of the existing Sainsbury store, on the Northwest side of Leek. The site is approximately 0.48ha and is generally flat and level. The site was enclosed on the West and South with a diamond cut knee rail fence at about 600mm height.

A pumping station lies on the northern side of the site access enclosed by a paladin fence and a substation to the south of the access. An unmade service road crosses the site. Pedestrian links between the site and Sainsbury already exist, along with drop curbs and tactile paving's.

Site access is from the A523 to the southwest, from a roundabout junction. Dual lanes link to the first local distributor roundabout feeding the Sainsbury filling station and neighbouring commercial units, over the River Churnet. The access continues as a dual road over the river to a further distributor roundabout feeding the application site and Sainsbury.

There are a number of listed buildings in the surrounding area. These include Brindley's mill / museum which is located to the southwest of the site. Brindley's Mill is an imposing 4 storey grade II listed building which overlooks the subject site at a distance. In addition, Abbey Green Road footbridge is close to the site, this is a grade II listed structure. Due to existing development, trees and topography the bridge is not visible from the application site.

The proposed development is not within the curtilage of either of the listed buildings. The mill is however visible from the application site.

PROPOSAL

The proposed development consists of the installation of 1 No. freestanding banner sign for advertisement. The banner sign would have a height of 2.06 metres, a width of 4.82 metres and a depth of 0.19 metres. It would be a double sided banner unit, constructed from a powder coated grey base with a perforated metal 'McDonalds' banner sign. The sign would be grey in colour with "McDrive" on the base unit. Various colour banners are to be attached.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS5 Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 – 14
Section(s) 4 – Decision making, 12 – Achieving well designed places

Staffordshire Moorlands Design Guide SPD

Part 6 – Shop Fronts

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2010/0201 – Erection of superstore (A1): Retail units (A1); Employment Units (B1, B2 and B8); Residential (total of 58 apartments and 28 dwellings – C3 use); Petrol Filling Station (Sui Generis) with associated car parking, access, landscaping, provision of public open space. Approved.

SMD/2011/1138 – Variation of condition 1a pursuant to planning permission 10/00041/OMAJEI enabling minor amendments to the approved plans. Approved.

SMD/2012/0611 – Installation of external signage including totems, building signs, welcome walls, hoardings, fascia signs and sky signs. Approved.

SMD/2013/0629 – The variation of condition 50 to delete the requirement to complete works to the Church Street / St Edward Street junction. Withdrawn.

SMD/2014/0051 – The variation of condition 50 to delete the requirement to complete works to the Church Street / St Edwards Street junction. Approved.

SMD/2014/0280 – Application to vary Section 106 agreement dated 04.05.2011 for application 10/00041/OMAJEI. Closed.

SMD/2016/0731 – Request for formal EIA screening opinion request. EIA-NEG.

SMD/2018/0033 – Hybrid planning application for retail use (A1 full application) and Hotel use (C1 outline application with all matters reserved) access, car parking, landscaping and associated works. Withdrawn.

SMD/2022/0356 – Installation of 6 No. fascia signs, 3 No. booth lettering signs and 1 No. 15" digital booth screen. Pending.

SMD/2022/0358 – Various site signage including 4 No. freestanding signs, 3 No. banner units, 1 No. playland sign and 29 No. dot signs. Pending.

SMD/2022/0361- Erection of freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and play frame. Approved.

SMD/2023/0508 - Install four rapid electric vehicle charging stations within the car park. Five parking spaces will become EV charging bays, along with associated equipment. Approved.

SMD/2024/0022 - Installation of 3 No. freestanding banner signs. Refused.

DOC/2023/0049 – Discharge of condition 13 relating to SMD/2022/0361.

Approved.

DOC/2023/0050 – Discharge of condition 14 relating to SMD/2022/0361. Approved.

DOC/2023/0051 – Discharge of condition 15 relating to SMD/2022/0361.

Approved.

DOC/2023/0052 – Discharge of condition 4 relating to SMD/2022/0361.

Approved.

DOC/2023/0090 - Discharge of condition 19 in relating to SMD/2022/0361.

Consultation.

NMA/2023/0017 – Non-material amendment relating to SMD/2022/0361 – the introduction of 2 No. EVCP bays and 1 No. additional cycle stand. Approved.

NMA/2023/0023 - Application for a Non-Material Amendment in relation to application SMD/2022/0361. Re: The removal of the approved Playframe and shelter at the east of the site, with additional furniture to the patio area. Approved.

NMA/2023/0032 – Application for a non-material amendment in relation to application SMD/2022/0361 Re. The minor relocation of the substation. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 27/06/2024

Neighbour consultation period ends: 07/06/2024

Press Advert: N/A

Public Comments

No public comments have been received.

Town / Parish Comments

At a meeting of Leek Town Council Planning Committee on Tuesday 21st May 2024, the Council resolved to have no objection to this application.

Staffordshire County Council Highways

“Application is for a free standing banner sign.

*Proposed sign is located away from highway on the access to McDonalds and is not illuminated.
There are no objections on highway grounds.”*

Staffordshire County Council Flood Risk Authority

We note that the application site is within Flood Zone 2 with risk of flooding from the River Churnet (Main River). As the Environment Agency (EA) are a statutory consultee upon all proposed developments within Flood Zone 2 it is envisaged that the EA will comment on the flood risk vulnerability, flood depths and suitability of the proposal in flood risk terms. Where the EA do not provide bespoke comments, you should be guided to their standing advice.

Areas of the application site have a chance of surface water flooding of 1 in 1000year (low probability of flooding). Surface water flooding can be difficult to predict, more so than river or sea flooding, as it is hard to forecast exactly where or how much rain will fall in any storm. This is based on the best available information, such as topography, ground levels and drainage.

Given the nature of the proposals, they would result in no significant change to the impermeable area and little change to the surface water runoff generated by the site. Therefore, the Flood Team have no further comments to offer on this application.

OFFICER COMMENTS

Principle of Development

According to the Planning Practice Guidance: Regulation 3 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.

Visual Amenity

The PPG continues: “Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) 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 (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. 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.

So, 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.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

With regard to the Development Plan and other material considerations Policy DC1 seeks to ensure that all development is well designed and of a high quality, contributing to local distinctiveness and harmonising with sense of place. The Staffordshire Moorlands Design Guide SPD states that for Shopfronts and Signs that signage should complement the frontage and be well proportioned and illumination of signs should be discreet. The proposed development consists of the installation of one freestanding banner sign.

I note that the same type of signage was initially proposed under the application references SMD/2022/0358 and SMD/2024/0022. Under these applications, the case officers stated that these banner signs were not considered necessary for the purpose of the site. Upon further assessment made on the completion of a site visit, the same conclusion has been reached. It is considered that there is a plentiful amount of signage at the site and that an additional large banner would be unnecessary. The proposed excessively large banner sign (approximately 2 metres in height and 5 metres in width) combined cumulatively with all of the other signs already installed would be considered to create visual clutter at the site, resultingly having a negative impact on the visual amenity of the area.

The proposal, by virtue of its size, scale and siting does not maintain the character of the area and is harmful to visual amenity. The proposal would therefore not accord with the provisions of local plan policy DC1 and section 12 of the NPPF in this regard.

Residential Amenity

Paragraph 130 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

There are no immediate dwellings that could be impacted by the development. As the signage would not be illuminated, there would be no light pollution impact on neighbour amenity.

Public / Highway Safety

Paragraph 104 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy T1 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

In the absence of any objection from the highway authority no highway safety implications are envisaged. Highways have stated that as the sign would be erected away from the highway on the access to McDonalds and would not be illuminated, it would not have any kind of detrimental impact on highway safety.

Thus, the proposed development would have no impact on highway safety, in accordance with Policy T1.

There are no other public safety considerations in this instance.

CONCLUSION / PLANNING BALANCE

In consideration of all of the above, the application is recommended for refusal. Due to the proposed signage being considered to create visual clutter at the site and to be excessively large in its size, it is not deemed acceptable under planning policy. There is already a plentiful amount of signage at the site, thus it is considered that another additional large sign is unnecessary. Therefore, the application is recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Hannah Hollins

Recommendation Date: 26/06/2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council