

Committee Date	04.03.2021	
Address	McDonalds 113 Hastings Road Bromley BR2 8NH	
Application Number	20/03869/ADV	Officer - Jacqueline Downey
Ward	Bromley Common And Keston	
Proposal	The Installation of 3 No. internally illuminated new digital freestanding signs and 1 No. internally illuminated 15" digital booth screen.	
Applicant	Agent	
MCDONALD'S RESTAURANTS LTD 11-59 HIGH ROAD, EAST FINCHLEY LONDON N2 8AW	Mrs Sarah Carpenter The Granary, First Floor 37 Walnut Tree Lane Sudbury Suffolk CO10 1BD	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Grant Advertisement Consent
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 22</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Restaurant/Takeaway	319 approx.
Proposed	Restaurant/Takeaway	No change

Representation summary	Letters to neighbours were sent out on the 29.10.2021	
Total number of responses		3
Number in support		0
Number of objections		3

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

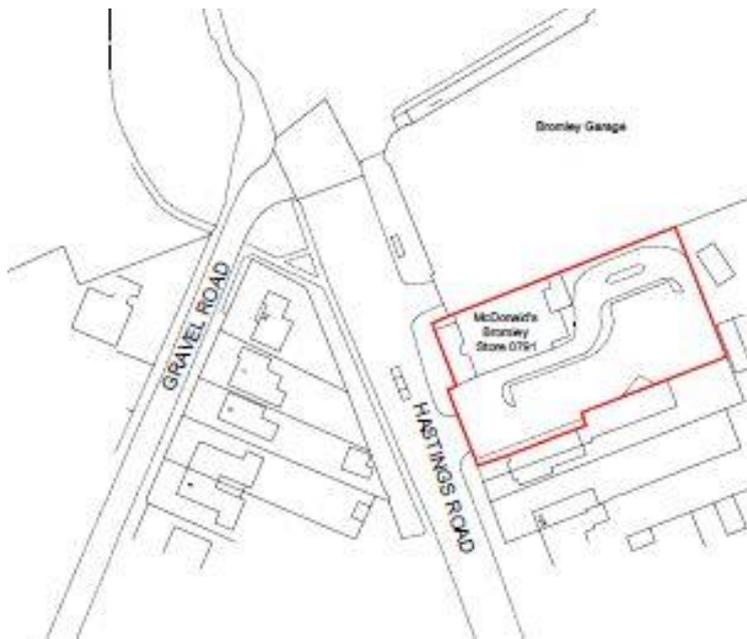
- The proposed signage would be well set back from the main road and replace existing signage
- The signage would not result in an adverse impact on neighbouring amenity

2. LOCATION

2.1. The site is located to the east side of Hastings Road (A21), which forms part of the Transport for London Road Network (TLRN). It hosts a detached building which was historically a public house and is currently occupied by a McDonalds restaurant/take-away/drive-thru.

2.2. The immediate vicinity is mixed commercial/residential; sited directly to the north is a bus depot and to the south, west and east residential.

2.3. Location plan:



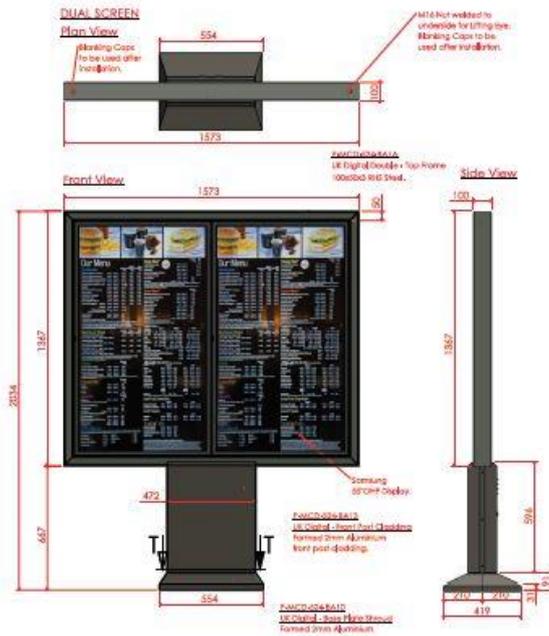
3. PROPOSAL

- 3.1. Advertisement consent is sought for the installation of 3 No. internally illuminated new digital freestanding signs and 1 NO. 15" digital booth screen.
- 3.2. The proposal would involve the removal of 6 existing freestanding signs and these would be replaced with 3 digital screen signs which would have a width of 1.6m and a height of 1.4m for the freestanding signs and would be raised 0.7m from ground level.
- 3.3. One digital booth screen is also proposed which would be affixed to the south east elevation of the building, to the drive through window which would have a width of 0.39m and height of 0.35m

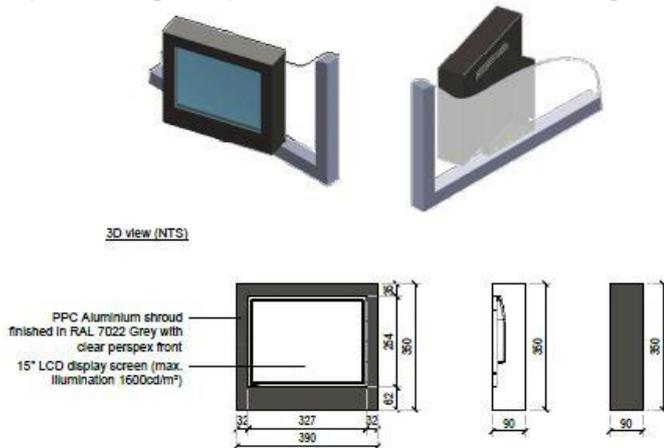
3.4. Proposed site plan:



3.5. Proposed sign 1 (there would be 3 of these signs sited within the drive-through):



3.6. Proposed sign 2 (1 affixed to the drive-through window on the main building)



4. RELEVANT PLANNING HISTORY

- 4.1. 93/00420 - illuminated menu board and speaker box signs illuminated M logo sign on east elevation and non illuminated M logo sign on west elevation and internally illuminated individual sign – Granted
- 4.2. 93/00422 - internally illuminated directional sign and non illuminated vehicle and height clearance signs – Granted

- 4.3. 93/00424 and 93/00425 - internally illuminated freestanding golden arch sign including drive-thru signs and under refs. 93/00478 and 93/00479 for two flagpoles with flags – Refused
- 4.4. 96/01083 - 2 internally illuminated menu signs – Granted
- 4.5. 08/02078 and 07/04237 for replacement advertisement signs – Granted
- 4.6. 16/03592 - the relocation of 1x existing internally illuminated totem sign – Granted
- 4.7. 16/03606 - relocation of 5 No. existing internally illuminates signs and installation of 2 No. new signs including 1x non-illuminated pole mounted sign and 1x internally illuminated rotating totem sign – Granted
- 4.8. 17/01403/FULL1 - Alterations to site layout to incorporate reconfiguration of the existing 'drive thru' to provide a side by side order point incorporating a new island for signage and new Customer Order Display, Goal Post height restrictor, outdoor seating area and associated landscaping, single storey front and side extension and elevational alterations to restaurant. – Granted
- 4.9. 17/04732/ADV - 1 x internally illuminated double sided appendage sign reading 'open 24 hours' to be added to existing totem sign - Granted

5. CONSULTATION SUMMARY

A) Statutory

- TFL – No comments received
- Highways - No objection to this application from a highway perspective.
- Environmental Health – No objections

B) Local Groups

None were received

C) Adjoining Occupiers

Limited visibility from road (addressed in para 7.1)

- Signage will not be conspicuous from Hastings Road

Parking and traffic problems (addressed in para 7.3)

- Drive through itself has resulted in reduction in parking spaces

- Delivery drivers have parked their vehicles on pavement across private drives in Hastings Road
- Mcdonadals should retain sufficient parking for eat in customers post covid restriction, although emphases on drive through essential to alleviate congestion to detriment of walk in customers
- If new signs help speed up drive through ordering process then no objection, however it is doubtful
- Queueing system needs to be addressed
- Drive through causing traffic problems and is dangerous
- Many times have hear car horns and shouting
- Held unauthorised traffic operation and fixed a " No Turning" traffic sign vehicle coming from Bromley towards locksbottom
- McDonald employees and delivery drivers parking in local roads, blocking access to businesses and residents

Impact on neighbouring amenity (addressed in para 7.2)

- Residential properties in Ribston close adjoin into the McDonald's Sawyer Arms that the sitting of the sign will be closer to their properties, visual impact or clutter to the properties will harmful to those resident's visual .
- There are no guarantee McDonald will bow to planning conditions as McDonald Sawyers Arm, 113 Hastings Road, franchisee operator, BEAP RESTAURANTS Ltd, mislead local elected Councillor
- Previous planning terms which strictly set out to protect sound pollution, quietness was diminished after drive thru facility was set up,

6. POLICIES AND GUIDANCE

- 6.1.** Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.
- 6.2.** Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.3.** The Development Plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4.** An updated 'Intend to Publish' version of draft London Plan – entitled Publication London Plan December 2020 - was published on 21 December 2020. This version of the draft plan includes changes made by the Mayor in response to a number of Directed

Changes made by the SoS in March and December 2020. The relevant documents are available on the Mayor's website: <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/publication-london-plan>

- 6.5. The draft new London Plan (December 2020) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 6.6. The draft New London Plan is at a very advanced stage; in a Written Ministerial Statement dated 15/12/2020, the SoS indicated that he expects to agree the London Plan with the Mayor early in the new year (early 2021). The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.7. Prior to issuing further Directed Changes in December 2020, the SoS (in two SoS call-in appeals in the Royal Borough of Kensington and Chelsea, appeal ref: APP/C5690/W/18/3205926; and the London Borough of Hounslow, appeal ref: APP/G6100/V/19/3226914) had established that the draft London Plan policies are capable of having significant weight where they weren't subject to Directed Changes.
- 6.8. Considering this information against paragraph 48 of the NPPF, the draft new London Plan (December 2020 'Intend to Publish' version) is considered to have very significant weight where there are no Directed Changes to policies; and significant weight where there are Directed Changes to policies. Taking this into account, the draft new London Plan policies should be used to determine this planning application, alongside policies in the adopted Local Plan and adopted London Plan. Where there is conflict between the policies in the draft new London Plan and the policies in the adopted Development Plan, the draft new London Plan should generally be given primacy although this may vary from case to case.
- 6.9. Upon adoption of the new London Plan, it will become the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, "if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."
- 6.10. The application falls to be determined in accordance with the following policies:-
- 6.11. National Planning Policy Framework 2019

6.12. The London Plan

7.4 Local character

7.6 Architecture

6.13. Draft London Plan

D4 Delivering good design

6.14. **Bromley Local Plan 2019**

Policy 37 General Design of Development

Policy 102 Advertisements

Policy 49 Green Belt

Policy 32 Road Safety

7. ASSESSMENT

7.1. Design – Acceptable

7.1.1. Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.1.2. Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.1.3. Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.1.4. London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

- 7.1.5. The proposal is for replacement signage of the freestanding signs within the car park/drive-through area. There are 6 existing free standing rotating signs and the proposal would replace these signs with 5 digital screens. A digital booth screen is also proposed to the drive through window. The proposed signs are of an acceptable design and would be located in similar locations to the existing signs which are to be removed.
- 7.1.6. The proposed sign would be consistent with the existing signage and appearance of the building. The proposed signage would be located far back from the site frontage and to the rear of the main building and therefore the signs are not highly visible from the main road.
- 7.1.7. The proposed signs would be situated within the area of existing hardstanding within the drive-through lanes and would replace 6 existing signs with 3 signs. Although there would be a reduction in the number of signs by half, the signs would have two panels and a larger width than the existing signs however given the reduction in the number of signs from 6 to 3, it is considered that the amount of signage would be similar to the existing level and therefore would not have a significant impact on the visual amenities of the area.
- 7.1.8. The digital booth screen would have a modest size and would be affixed to the main building and therefore this additional sign is not considered to result in a visual clutter of signage and would not have any significant impact on the character and appearance of the site or local area.
- 7.1.9. Given all of the above it is considered that the proposal would be consistent with the design and advertisement principles.

7.2. Neighbouring Amenity - Acceptable

- 7.2.1. Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.2.2. There are nearby residential properties, however the level of illumination proposed is not considered excessive or harmful to residential amenity. The closest neighbouring boundary which is to the south of the site is over 24m from the proposed signage, this neighbouring property itself, No. 121, is situated further away from the signage, at approx. 34m away which is a sufficient separation to prevent a harmful loss of amenity to this neighbouring property. To the east of the site, there is some land which between the site and the neighbouring properties on Ribston Close and Jackson Road is situated a significant number of properties are situated over 30m from the proposed signage which would provide a buffer between the proposed signage and these nearby dwellings and there is a distance of at least 30m from the signage to these neighbouring dwellings which is considered to prevent a loss of amenity in terms of the illumination, visual impact and noise and disturbance.

7.2.3. Therefore due to its size, design and location it would not lead to an adverse effect upon residential amenity and complies with the above policies.

7.3. Impact upon highway and pedestrian safety - Acceptable

7.3.1. The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.3.2. The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

7.3.3. London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.

7.3.4. The site is situated adjacent to the A21 Hastings Road, which forms part of the Transport for London Road network (TLRN), however the proposed signs are well set back from the main carriageway and in a similar location as the existing signage and therefore the proposal is unlikely to have an unacceptable adverse impact on the highways and no objections are raised from the Council's Highways team.

7.3.5. Concerns have been raised regarding the parking of vehicles visiting the restaurant/take away which are obstructing driveways and traffic. The proposed signs would be situated within the existing drive trough and a raised paved area. The proposal would not therefore impact on the existing drive through, parking or circulation within the site and would not therefore impact on road safety and the existing parking situation over the existing level.

8. CONCLUSION

8.1. The proposals are for the replacement of existing illuminated signs within the drive-through area. The site has a commercial appearance, and the proposed signage would not unduly affect the character and appearance of the area or have a prejudicial impact on the A21.

8.2. There are residential properties surrounding the site, however the level of illumination proposed is not considered excessive or harmful to residential amenity.

8.3. Having had regard to the above it is considered that the proposed signs would not be harmful to the character of the surrounding area, nor detrimentally affect the amenities of nearby residents.

8.4. Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: Grant Advertisement Consent

1. Signs maintained in a clean and tidy condition
2. Structure of hoarding maintained in a safe condition.
3. Removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No signs displayed without permission of the owner of the site
5. No signs to obscure, or hinder the ready interpretation of , any road traffic sign etc.
6. Advert time limit
7. Luminance level of freestanding signs not exceeding 600 candelas per square metre
8. Luminance level of digital booth screen not exceeding 1600 candelas per square metre

Any other planning condition(s) considered necessary by the Assistant Director of Planning